

A
L E T T E R
TO THE
E L E C T O R S
O F
G R E A T B R I T A I N.

By JAMES SUTHERLAND, Esq.

LATE JUDGE OF THE ADMIRALTY AT MINORCA.

L O N D O N:
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J. H. T. R.

GREAT BRITAIN



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(17)

TO THE
ELECTORS
OF
GREAT BRITAIN.

My Countrymen,

AFTER having, during seven years, tried every means that my imagination furnished me with, to obtain justice from Government; I now bend, desponding, to my hard destiny: while, for the sake of posterity, I submit my case, contained in the following sheets, to your consideration.

That profound Lawyer, the late Judge Blackstone, warrants me in asserting, that
“ The security of his reputation or good name,
“ from the arts of detraction and slander, are
“ rights to which every man is entitled, by reason and natural justice; since, without these,
“ it is impossible to have the enjoyment of any
“ other advantage or right.” And the same elegant writer says, “ That if there should
“ happen

“ happen any uncommon injury or infringe-
 “ ment of the rights before mentioned,” (I
 mean those stated in his *Rights of Persons*),
 “ which the ordinary course of law is too de-
 “ fective to reach, there still remains a fourth
 “ subordinate right, *appertaining to every indi-*
 “ *vidual*, namely, the right of petitioning the
 “ King, or either House of Parliament, for re-
 “ dress of grievances.”

The ordinary course of law not extending to afford me relief in the instance of which I had to complain, and this doctrine of that great man coinciding with my own sentiments, I confidently petitioned the last House of Commons, for redress against the grievance of my reputation and good name having been injured by a FALSEHOOD, expressed in a petition addressed to that Honorable House, and recommended by the Chancellor of the Exchequer, in His Majesty's name, to the consideration of the House. I also petitioned the King, afterwards, on the same ground, and on other causes of complaint: and prayed for redress.

The House refused to receive my petition.— Its sentiments, therefore, were made known; but, to this hour, I have not had the means of acquiring those of His Majesty.

And as the same enlightened and constitutional author authorizes me to advance, that the supposition of law is, " That neither the King, nor either House of Parliament, (collectively taken), is capable of doing any wrong; since, in such case, the law feels itself incapable of furnishing any adequate remedy: For which reason, all oppressions which may happen to spring from any branch of the sovereign power, must necessarily be out of the reach of any stated rule, or express legal provision; but if ever they unfortunately happen, *the prudence of the times must provide new remedies upon new emergencies.*"

Such an emergency my case presents.

Let me then beseech you to instruct your representatives in Parliament, to get the law at present existing (which I have insinuated does not afford relief in this instance) amended, so as to give the subject a remedy hereafter, against whoever shall asperse his character by any FALSEHOOD stated in a petition to the House of Commons; although such petition may be recommended in His Majesty name, to the consideration of the House.

And

And as the right of the subject to petition the Crown for redress of any grievance, and in order to obtain justice, is nugatory, while the communication of the Royal Pleasure is withheld; let me also beseech you further to instruct your said representatives, to obtain an act of Parliament, to assure the communication of the Royal Will, *by His Majesty's Ministers*, to every subject who may in future present such a petition to the King.

By which means, I hope, that the last man who shall be driven to destruction in this country, by the abuse of power, and its contemptuous neglect, will be

Your injured fellow-subject,

JAMES SUTHERLAND.

London, 1st August 1791.

TO

TO THE
KING'S MOST EXCELLENT MAJESTY.

THE HUMBLE PETITION OF
JAMES SUTHERLAND, Esq.

LATE YOUR MAJESTY'S COMMISSARY AND
JUDGE OF THE VICE ADMIRALTY COURT
IN THE ISLAND OF MINORCA,

Most humbly sheweth,

THAT on the eighth day of April instant, the Petitioner inclosed a memorial, of which that hereunto annexed is a duplicate, and three papers, to Lord Sydney, one of Your Majesty's principal Secretaries of State, requesting that the same might be laid before Your Majesty, as soon as it should be in his Lordship's convenience to do so *.

That on the sixteenth instant, the Petitioner did himself the honor of writing another letter to Lord Sydney, to beg the favor that his Lordship would

* No. 1. in the Appendix, is a copy of the letter written to Lord Sydney on that occasion.

condescend to inform him, whether that had been done, and when *.

That the Petitioner has not been honored with such condescension by that Noble Lord.

That the Petitioner has a helpless wife, attending a daughter who has consumptive indications, that after having been sent to Bristol, was removed to Devonshire, until the present temperate season should admit of her being taken to Abergavenny; now waiting for his presence and assistance: And the Petitioner does not rely less on Your Majesty's royal feelings as a husband and a father, than on those as the father of your people; that the *ruinous* expence which has long attended the Petitioner, from successive indisposition in his family, as well as the misfortune and anxiety of being separated, may not be increased by his being detained from them to a distant period.

The Petitioner, therefore, with all the duty and veneration of a good subject, humbly lays himself at Your Majesty's feet, to implore Your Majesty's decision, and a communication of it, on the prayer of that memorial.

And the Petitioner, as in duty bound, shall ever pray, &c. &c. &c.

21 April, 1785.

* No. 3. is a copy of this letter.

TO THE
KING'S MOST EXCELLENT MAJESTY.

*The humble Memorial of JAMES SUTHERLAND, Esq;
late Your Majesty's Commissary and Judge of the
Vice Admiralty Court in the Island of Minorca.*

MOST HUMBLY SHEWETH,

THAT the Honorable General James Murray, late Governor and Vice Admiral of the said Island, having in August 1780, suspended him from his said office, the Memorialist never obtained official information of the reasons which the General had assigned to Your Majesty for such proceeding.

That the conquest of Minorca by the Spaniards having brought the General to be amenable to the courts of justice of this country, the Memorialist brought an action against him, in Your Majesty's Court of Exchequer, to obtain redress for that injury.

That General Murray, under pretence of wanting witnesses that were abroad, and by other artifices, retarded the cause from being brought to a hearing; so long, as to make it impossible, that when it at length came on, he should not be furnished with every means of defending himself; and therefore, after the Memorialist had felt extreme anguish at every mode of delay that had been practised, having a wife whose limbs were almost use-

less to her, and a sickly family ; and being obliged for their support, and for the prosecution of his suit, to borrow money to such an amount as increased his debts to more than one half of the sum which he finally recovered in his action : he at length consoled himself, on the day that his cause was set down for a hearing, with the idea, that General Murray would, in open court, urge every thing that he had ever thought himself at liberty to represent, either openly, or secretly, as culpable in the Memorialist.—And to induce the General to do so, he used every method of calling upon him to exhibit such charges at the time of trial.

That notwithstanding those calls, General Murray, instead of offering a justification of his conduct, by impeaching the character of the Memorialist, suffered his counsel to take an exception to an alleged defect in the Memorialist's declaration ; but this objection was not allowed to withhold the cause from going to the jury, who, upon a full discussion, found a verdict for the Memorialist.

That the Memorialist being afterwards advised that such verdict was defective, applied for a new trial ; and the cause of action was tried a second time, after a period of five months had intervened, and given the General a further opportunity of preparing for justification :—Yet chicane was attempted to put off the trial ; under pretence that a witness was necessary to be produced, who, nevertheless, when he appeared in court, was not examined.

That,

That, at this second trial, the counsel for General Murray went into a justification of his conduct:— And after a full and solemn hearing, the jury, with the approbation of the judge, found a verdict for the Memorialist.

That one of the Memorialist's sons, who had been in prison with him, and had written a letter for him to Dr. Franklin, which the General had made the basis of criminal insinuations; attended in a conspicuous part of the court, at each of the trials, by the desire of the Memorialist, in order to give the General an opportunity of examining him in the amplest extent:—But as General Murray's disposition to avoid fair investigation, *every where*, would not suffer him to lay the copy of that letter before the public, when called on to do so by the Memorialist; so the General's counsel had too much discernment to touch upon it, or to examine the Memorialist's son; from whose evidence the Memorialist must have derived the most absolute proof of affection in himself for Your Majesty, and his country, and of his zeal for Your Majesty's service: as well as that the Memorialist did, at all times, but once most solemnly, in a moment when he thought himself near expiring in prison, recommend to his son, to hold that love, and that zeal, ever as near his heart as he should do the principles of his religion, or his truth, or his honor; and that while they were in prison, it having come to his knowledge that the twenty-fifth regiment, in which the Memorialist has another son, was said
to

to have received orders to hold itself in readiness to embark for America, either the Memorialist himself wrote, or, by the Memorialist's desire, the one which was with him did write to that son, requiring him, by the duty and affection which he owed to a father, *who never expected to see him again*, to make no distinction between the enemies of his country, and to exert himself bravely against the Americans.—This will appear by the paper No. 1. * being an extract of an affidavit which his son made before a magistrate, after the last trial.

That the Memorialist, extremely anxious to have every thing regarding that letter searched into in the strictest manner, made diligent enquiries about it at the Secretary of State's Office for the Home Department, and also about a letter which he had written on the seventeenth of June 1779, to Lord Weymouth, then Secretary of State for the Southern Department, (of which letter fuller mention is herein after made), each time that this cause was coming on to trial; and he had been positively assured, as well when Lord Sydney was for the first time in that department, as afterwards, in the time of his Lordship's successor in office, *that neither of those letters were there.*

That the reason the Memorialist sought for them in the Home Department, was, that when Lord Hillsborough had been Secretary of State for the Southern Department, his Lordship once produced

* This Paper is No. 4. in the Appendix.

the letter written to Dr. Franklin; and also because the Memorialist understood, that upon the suppression of the third Secretary of State, the papers that had been formerly in the Office of the Southern Department, were placed in that of the Home one.— Yet the Memorialist, just before the last trial, thought it advisable to apply to Your Majesty's then Secretary of State in the Foreign Department *, requesting, that if that letter was in his Office, the Memorialist might be allowed to have a copy of it, as he felt it to be extremely necessary for him; not only because the Memorialist had obtained a new trial, *in which he wished for a full investigation of facts*; but also because the Memorialist meant to avail himself *of that very letter*, to support his solicitations for favor and reward from Your Majesty; expressing at the same time, the most ardent desire, that as the tendency of it had been much misrepresented, the original letter might be laid before Your Majesty.

That in consequence of such application, not only strict search was made for the letter in the Foreign Department, but when it appeared that it was not there, Mr. Aust was sent from thence to

* The Right Honourable Charles James Fox.—Here let me pay the tribute of Justice and Gratitude due to that Great Man, for his behaviour on this occasion.—Unacquainted with Mr. Fox, and unconnected with any of his Friends—he saw me without hesitation—heard my story with equal patience and politeness; and in my presence, directed Mr. Frazer, who was then Under Secretary, to enquire about that Paper, that he might shew it to the King.

enquire

enquire about it in the other Secretary of State's Office; and that gentleman was authorized to assure the Memorialist, and he accordingly did so, that he and Mr. Nepean had examined the whole correspondence between Lord Hillsborough and General Murray, and that neither that letter, or any indication of it, were to be found: But that he had seen a slip of paper, which mentioned, that *three papers had been taken out of that correspondence!*

That had that letter been forthcoming, the Memorialist's counsel would have examined his son regarding it, before an English Judge, and an English Jury; so as to have put calumny to eternal silence.

And here, Sire, the Memorialist is at a loss to find language sufficiently expressive, and equal to the duty, humility, and affection, that he feels for his King, and with which he is desirous to approach Your Majesty; to remonstrate, that he feels himself aggrieved by such assurances, so repeatedly given to him, of the non-existence of the letter to Dr. Franklin, in the Secretary of State's Office. —Trusting to those assurances, the Memorialist was baffled; and did not avail himself, as he otherwise would have done, of the benefit and assistance of the laws of his country; thinking it useless to serve a *subpœna duces tecum*, to compel the production of a paper, *which, notwithstanding such assurances, a Clerk from Lord Sydney's Office afterwards produced to a Committee of the House of Commons when*
General

General Murray wanted it, for the purpose of injuring the Memorialist.

That the Memorialist submits with all humility, that the lives, the property, and (he is convinced from what he has experienced) the reputation of Englishmen may be endangered, if state-papers are *withheld* when called for in their vindication; and produced, *only*, when wanted to support a criminal charge: And that the evil will be increased, if, after having been produced for the last-mentioned purpose, not only copies thereof shall be refused them, but, still more, that they shall be denied even a communication of the contents of such papers!—And as there must have been improper conduct, in some person, concerning his letter to Dr. Franklin, he humbly hopes, without pretending to impute such impropriety to any particular person, that Your Majesty's justice will be exerted in enquiring into this matter: And he also hopes, that it will, in like manner, be exerted, in enquiring by whom, and for what purpose, three papers were taken out of the correspondence between Lord Hillsborough and General Murray, as reported by Mr. Aust; and how it happened that the Memorialist's letter to Lord Weymouth was not forthcoming.

And the Memorialist further represents, That as he never had a wish to make any attack on General Murray, that did not originate in the principle of self-defence; he satisfied himself with establishing his public character, by publishing the trial of his

C

cause,

cause, without the least invective or comment; ample, as the field was, which it afforded him for such: persuaded, that the good sense of mankind would lead them to believe, that the General, at that trial, had not omitted to allege every thing against the Memorialist, to which the art of lawyers could possibly give a color.—And in order to put an end to all difference between them, the Memorialist afterwards wrote General Murray a letter, of which No. II. * is a copy, requiring apologies from him on eight articles: But although the General did not think proper to answer that letter, he some time afterwards had a conversation with a gentleman on the subject of it, in which explanations regarding it took place; and that gentleman delivered the Memorialist a paper, to which he put his name, as containing the explanations given by General Murray on that occasion:—It is stated in such paper, that the General admitted, that the particular circumstances and situation which occasioned the Memorialist's letter to Dr. Franklin, rendered it justifiable; and that he did declare, that he never conveyed, or meant to convey, any idea of criminality in the Memorialist on the subject.—And a few days after this, a friend of the Memorialist's having applied to him, and told him that one of General Murray's friends had spoke to him about the affair, and therefore he wished to be of use between them; the Memorialist delivered

* It is not thought necessary now to insert this Paper.

his

his friend a letter, in which, after having, *to gratify the good disposition and desire of that gentleman*, expunged some strong expressions that were in it, sufficient indications of reprehension remained for the General to digest; of whom, in the conclusion of it, the Memorialist took (what he meant to have been) a final leave; expressing his determination to hear no more of him, directly or indirectly: But he first requested, that his friend would get a copy of that letter communicated to the General, through the same channel in which the application to him had been made: and this was accordingly done.

That the Memorialist held it impossible, that after such transactions as those, General Murray could ever mention the letter to Dr. Franklin, in any manner disadvantageous to him: Yet, to his extreme astonishment, he some time after heard whispers which indicated that the General was doing so, to induce Your Majesty to grant him a sum of money, to indemnify him for what he had been adjudged to pay the Memorialist.

That the Memorialist not holding a vague report to be sufficient grounds to authorize him to make a formal remonstrance to any of Your Majesty's Ministers about such a matter, he made attempts to inform such as it most regarded, of what he had heard; and to insinuate, that at the same time that he wished to be considered as not presuming, in the least, to object to the granting General Murray any sum of money, otherwise than so far as such grant might go to affect his reputation under color of

that letter, he would entre at to be laid at Your Majesty's feet, humbly supplicating, that his own trial and punishment, if there was any thing wrong in the letter, considering the circumstances under which it was written, and the motives from which it apparently originated, might precede every other act operating to affect him as the author of it.—And it having occurred to the Memorialist, that *that* would not be an improper moment to present a memorial to Lord Sydney, (having always entertained the design of so doing at a proper season), setting forth his humble pretensions to Your Majesty's favour and munificence; concluding such an application would naturally draw forth every thing that could be urged against him; he therefore did present such a memorial to his Lordship, humbly requesting himself and his case to be laid, with the greatest duty and veneration, at Your Majesty's feet.—In that memorial he studiously avoided introducing the General's name with any expressions of disrespect*.

That to the injuries which the Memorialist therein stated to have been done to his health, by his having been a state prisoner to France, he can with great truth add, the frequent swelling of his left jugular artery, threatening him with sudden dissolution;—his inability to use his pen, with that facility and dispatch that he formerly did;—and his not being able to apply to business of weight, or to use a strong exertion of the mental faculties, in order to procure a maintenance for himself and his family.

* A copy of that Memorial immediately follows this one.

That

That the Memorialist had several official conversations, at Lord Sydney's Office, with Mr. Nepean, the medium of soliciting his Lordship to obtain Your Majesty's determination on his said memorial, and of acquiring a knowledge of what Your Majesty's sentiments were respecting him: And at last, on the twenty-first day of July, the Memorialist was there, officially, assured by that gentleman, that a copy of such part of the said memorial as related to the Treasury department, would that day be sent from thence, with a letter to the Treasury; and that the other parts of it would be taken into serious consideration as soon as possible.—In consequence of which assurance, the Memorialist, on the twenty-sixth day of the same month, applied in writing to Mr. Rose, at the Treasury, to know whether any proceedings had been had at that Board, regarding his said memorial, and Lord Sydney's letter; and the Memorialist felt some surprize, when he was told by one of his clerks, that Mr. Rose had desired him to inform the Memorialist, that neither the one or the other had been sent thither.

That the Memorialist, in consequence of this information, returned immediately to the Secretary of State's Office; but could not get access to Mr. Nepean, who excused himself from seeing him, as he was extremely hurried with much business.

That the Memorialist, knowing that Administration had at that time many matters of extreme consequence to take up their attention, which must necessarily have rendered it more inconvenient to

that gentleman to have been spoken to in such a situation, than when the hurry of business should be somewhat over; he determined, little apprehensive that any machination could be, at that very time, successfully carrying on against him by General Murray, to wait with patience a fortnight longer, without any intruding solicitation; and to employ that time in attending to the care of a wife and a child, that were indisposed at Brighthelmstone:—What the surprise and emotion which he felt were, on his finding on his return from thence that he had been mistaken in his idea of having no such danger to apprehend, Your Majesty may form some slight conception of, if your Royal goodness shall incline you to direct that four official letters to the Right. Hon. Mr. Pitt, and two to Lord Sydney, written by the Memorialist, may be laid before Your Majesty*; and by those letters it will appear, how extremely desirous the Memorialist had been, of meeting and refuting in a full House, every thing that General Murray had stated in his petition to the House of Commons: Yet the Memorialist humbly begs leave to explain, that at the moment he manifested such a desire of investigating the subject matter of a petition, *which that Honourable House had thought proper to receive*, he proceeded merely from the necessity of self-defence; being otherwise unwilling to enter, in the House of Commons, into a discussion that tended in a certain degree to operate

* No. 5, 6, 7, 8, 9, & 10, are copies of them.

in the nature of a revision of the proceedings that had been held in a Court of Law: to which revision, if the Memorialist's delicacy on that subject was well founded, the House of Lords only, would ultimately have been competent, had the General carried the matter thither under a writ of error, instead of having acquiesced in the well-founded judgment of the Court of Exchequer.

That it was under such impression, after General Murray had withdrawn his petition last session, and that the Memorialist, in letters addressed to Sir James Johnstone, as the relation and friend of the General's, that had introduced his petition into the House of Commons, had fully refuted the whole of the allegations that it contained: that the Memorialist, in one which he prepared to be presented to that Honorable House, soon after the opening of the present session, avoided every matter that might afford a color of tending to imply a power in that Honorable House to take any retrospect of the cause of the Memorialist's suspension; after that the decision of a court of justice, according to the laws of the land, had put a stamp on such cause: And therefore, he confined himself to complaining solely of the injurious charge that had been stated in the General's said petition, regarding the Memorialist's having held a secret correspondence with Dr. Franklin; and praying for an investigation thereof, and for that justice and redress, which, from the circumstances of the case, the laws of the land could

could not hold out to him in a court of justice*: But, unhappily for the Memorialist, his petition was not allowed to be brought up in that Honorable House; whereby, among other losses and disadvantages which the Memorialist felt, a capital one was, the disappointment of his hopes to have obtained, in the regular course of parliamentary proceedings, copies of those papers, that he could not get elsewhere; and which would have enabled him to have approached Your Majesty with the fullest refutation of those facts, which must have been introduced under false colors, to Your Majesty's royal notice.—The disappointment of not being able to obtain a remuneration of the heavy expenses the Memorialist had been led into, from the attention he necessarily paid to the consequences of General Murray's said petition, was only a secondary consideration with the Memorialist:—Yet, as the courts of law are unequal to granting him redress on this head, he humbly begs leave to offer the misfortune he labors under in that respect, for Your Majesty's royal consideration and bounty.

That the said petition of General Murray, carried one striking absurdity on the face of it.—For, after having stated that the Memorialist had held a secret correspondence with Dr. Franklin, the Ame-

* As this petition, and also my first one, have appeared in the public prints, both of them are now omitted.

rican Ambassador at Paris, as appears by his intercepted *letters* in the office of Your Majesty's Secretary of State; it set forth, that the Memorialist was absolutely returning to Minorca, with the approbation of Your Majesty's Ministers, to take possession of his office again!—It is unnecessary for the Memorialist to observe, that Your Majesty's Ministers could never have been guilty of permitting a person to return to an office of such consequence as that of a Judge of an Admiralty Court in time of war, who was even suspected, much more known, to have held a secret correspondence with Dr. Franklin.

The Memorialist humbly presumes to state here, that he defies all mankind to prove that he ever had any American friendships or connections whatever, or even one American correspondent; or that his uniform behaviour had been other than that of a zealous, loyal subject; rejoicing, upon every occasion, in the success of Your Majesty's arms, and lamenting when they had not been so.—To these general assertions, the Memorialist humbly entreats to be allowed to add specific facts, demonstrative of his disposition.

The first is, That there never was an attack apprehended to be made on Minorca, while the Memorialist was there, that he did not offer to serve personally with the troops in defence of Fort St. Phillips*.

The

* Not six weeks before General Murray suspended me, I sent him

The second is, That when the fleet under Count D'Estaing, on his first expedition to America, were fitting out at Toulon; he employed a spy, by General Murray's desire, (a Mr. Soyris, a Frenchman, over whom the Memorialist had great influence), to go to France to make observations, and to communicate them: who being well acquainted with some of the naval officers of that department, had easy access to the arsenals, and procured every intelligence that the General had required.

This mention of that person, leads the Memorialist to a subject about which he has felt much embarrassment—But he holds it absolutely necessary to be stated; and therefore he humbly entreats Your Majesty's permission to represent, that in the letter by him written to Lord Weymouth on the 17th of June 1779, herein before-mentioned, he pointed out to his Lordship what had been the causes that led to the imprisonment of the Memorialist in France; as well as that when the Memorialist so engaged Mr. Soyris to go to that country, it was upon the express condition that nobody should

him the following note, viz. 'The underwritten, in consequence
' of a proclamation made this evening, signify their intention of
' doing duty as volunteers in the grenadier company of the 51st
' regiment, in case of a siege of St. Phillips Castle; but don't
' mean that this signification should extend to subject them to
' military law, before that event happens.

' JAMES SUTHERLAND.

' JAMES SUTHERLAND, jun.

' The Hon. General Murray.

Monday night, 26th June 1780.'

know

know any thing of his being employed, but the General, and the Memorialist: and that his handwriting was not to be seen by any other person*. The reason the Memorialist had for that was, that General Murray then had a person for his Secretary, whom the General himself was afterwards afraid to trust with the secret of his having freighted a vessel under neutral colors, for the service of Government; but employed the clerk to that very Secretary, as his confidential agent in the business; as will appear by the Paper No. 3†, being a copy of that clerk's affidavit; which affidavit, though taken at the General's own desire, furnishes a positive proof, strange as it may appear, that General Murray was too careless about papers of consequence; and it will enable Your Majesty to form an opinion, how the business in which Mr. Soyris was engaged, came to transpire.—This is a fact which the Memorialist never touched upon before, nor would he have done so now, had he not been positively assured, since General Murray's application to Parliament, that the General had asserted in a letter to Lord Hillsborough, which may have made wrong impressions on Your Majesty, that the Memorialist, when prisoner in France, had too readily confessed to the enemy, that Mr. Soyris had been employed as a spy: Whereas the Memorialist is possessed of proofs, demonstrative, that *that* matter was publicly known in Minorca, soon after Mr.

* See No. 11. † This paper is No. 13. in the Appendix.

Soyris had returned from France, some months before the capture of the Memorialist by the French. — And the Memorialist therefore humbly hopes, that those assertions will be understood to be offered *merely* to refute a misrepresentation made to Your Majesty to his prejudice. — Yet the Memorialist, in his said letter to Lord Weymouth, of the 17th of June 1779, was under a necessity of stating indiscretion in General Murray, regarding the transaction with Mr. Soyris; and at the same time to make a precise complaint against the General, for having sent the Memorialist a formal message, *desiring that he would not in future correspond with any of Your Majesty's enemies*: — And the Memorialist did entreat his Lordship, that he might be represented, as humbly requesting Your Majesty's favour and justice, to make General Murray declare the reasons that he had for sending him that message; and that if the General had any thing to accuse him of, he might be compelled to do so, openly*: And also that

* It was not till after Lord Hillsborough had shewn me the letter I sent to Dr. Franklin, that I could conceive what it was that the General had alluded to in his message — That that message was sent in one of his flights of passion, and that he did not *really* think there had been any thing reprehensible in such letter having been written; as well as that he had not any ostensible objection to my public or private character, may fairly be concluded, from his having sent me an invitation to dine with him about three months afterwards, to celebrate his Majesty's birth-day in June 1779; and from his having repeated his invitation a second time in June 1780, only two months before he suspended me, although I had refused his first, and in such refusal had pointed out that message

that if Your Majesty should think that the Memorialist had not merited such a message to be sent to him, that such reparation might be made *to his injured honor*, as Your Majesty should think proper.

message as one of my reasons for doing so.—The following are copies of the Cards which I wrote him on those occasions:

‘ Mr. Sutherland presents his respects to General Murray, and begs leave to assure him, that he is extremely mortified that he can’t have the honor to dine with him on the 4th of June.

‘ Mr. Sutherland was the only Civil Magistrate that was not invited on the same occasion last year: The General had forbid him his house some time before; and he left the island under his displeasure.—When he returned here, after all that he had suffered in France for serving his country, the General received him with a coolness that shocked him, but at last, asked him slightly, to dine with him; and though he accepted of the invitation without hesitating, he had hardly got to his house when the General sent to tell him that he was obliged to put off having him to dine till another day! That other day never was mentioned till this day: But the General, not long after, sent him a message in form, by Mr. McNeill, Commissary for prisoners of war, desiring, “that he would not in future correspond with any of His Majesty’s enemies.” These, and many other combining circumstances, made Mr. Sutherland hold it impossible that he should receive an invitation from the General; and therefore he has invited some gentlemen to dine with his family in the country; where, after drinking the health of their Majesties, and all the Royal Family, he will fill a glass to the King’s Governor and his Garrison of Minorca.’

—‘ June, 1779.’

‘ Mr. and Mrs. Sutherland return their compliments to General Murray.

‘ Mr. Sutherland is extremely sorry that the General has used him so as to put it out of his power to accept of his Excellency’s invitation, consistent with his feelings as a man of honor.

‘ Mrs. Sutherland is equally sorry that she cannot do herself the honor of waiting on the General.’

‘ Thursday Afternoon, 1st June 1780.’

—And

—And the Memorialist did also humbly solicit his Lordship, that his health having been much impaired by the confinement, and his fortune having suffered considerably by the long detention of himself and his son, at a great expence in France, to represent the same to Your Majesty; that as *that* misfortune and expence were brought on by what he had done for Your Majesty's service, they might become objects of Your Royal consideration.

Filled with every impression of the highest integrity and honor of Lord Weymouth, and of the respect he feels due to the character of that nobleman, the Memorialist is incapable of entertaining an idea, much less suggesting any, in the remotest degree, inconsistent with those respectful impressions.—It is his misfortune, however, that he must lament the cause, *be it what it may*, and to have to remonstrate, that he has been extremely aggrieved, by never having been able to learn that that complaint had been in any shape attended to.

Had that open and full enquiry taken place, which the Memorialist, with every sentiment of duty and reverence, thinks his rights as a British subject entitled him to expect, on the whole of that letter, *written near fourteen months before the suspension of the Memorialist*; all the loss, vexation, and dishonor, that have since befallen him, from the operations of General Murray, would have been avoided.

The third, and last specific fact, which he has to offer as demonstrative of his principles, is, That just on the sailing of the French fleet, under Mons.

D'Orvilliers, at the time that Lord Keppel fought them, the Memorialist communicated intelligence to the Earl of Sandwich, of such a nature that his Lordship had the goodness to assure him, he felt great satisfaction in being able to tell your Majesty, that it was a person of *his* appointment to office, that had done Your Majesty such *essential* service.— This circumstance Lord Sandwich, at the Memorialist's request, had the goodness to communicate to the other Ministers, after Lord Hillsborough had shewn the Memorialist the letter which he had sent to Dr. Franklin, as before mentioned.— In the conversation which the Memorialist had with Lord Hillsborough at that time, his Lordship did say, that General Murray had been much in the wrong in having suspended the Memorialist; and that if the Memorialist had not left Minorca afterwards, and wrote the note or challenge which he sent from Leghorn, orders would have been sent out for re-instating him in his office; but that Government were, in consequence of *that*, embarrassed about the *personal* differences.

That the Memorialist, in addition to the proofs before given, of the moderation of his disposition towards General Murray, begs leave to state, that at the time that a court-martial was in contemplation to be held on him, as well as while the court was sitting, he avoided every thing that had any tendency to an interference against him; and, that notwithstanding, that while the Memorialist was full of resentment against the General, on account

of

of the unmerited and ill-founded attack by him made in the House of Commons as aforesaid, the Memorialist did, in his letter to Lord Sydney, of the first of October, (one of those herein before-mentioned), indicate an intention of going into a retrospect before Your Majesty, of a particular part of the defence offered to that court-martial, in which the General had spoken of the Vice Admiralty-Court of Minorca in an unwarrantable manner: Yet, now that the soreness of his feelings with regard to General Murray have been allayed, by the correction, which, in the course of the Memorialist's endeavours to wipe off aspersions, he has dealt out to the General, he feels an inclination not to take such retrospect; but to remain satisfied with the General's having done away, in the explanations that took place as before-mentioned, what was injurious to the Memorialist in such defence; *if in expressing this inclination, he will be understood as not flying from an investigation on that article, should it be Your Majesty's pleasure to have any take place; any more than he means to shun meeting, and answering, every thing that General Murray may have represented to Your Majesty regarding him, that it shall be Your Majesty's pleasure to order to be communicated to the Memorialist, with directions to answer.*—After the refusal of a communication of various papers, that he has met with from the Right Hon. Mr. Pitt, and Lord Sydney, he will presume only to solicit your Majesty, that you will be graciously pleased to direct, that he may be granted an exact copy of the
letter

letter written by Dr. Franklin, *that* being the only one, of which use has been made, to impeach the loyalty of the Memorialist *

Anguish, and perturbation of mind, must ever be his fate, until an implication, which Your Majesty's message to the House of Commons, regarding General Murray's petition, appears to convey, shall cease to exist:—And therefore the Memorialist, in all humility, entreats, that if Your Majesty, after considering the facts set forth in this memorial, shall continue to think he has been so criminal as to have held a secret correspondence with Dr. Franklin, as stated in that petition, he may be allowed to call on Your Majesty's equity, to direct that he may be brought to trial and punishment, according to the laws of the land:—*Since, even ignominious death, in the Memorialist's estimation of things, is infinitely more desirable than life, under an implication so inconsistent with his sentiments of loyalty and duty.—But if Your Majesty shall think, that the Memorialist has always acted as a good, a faithful, and a zealous subject, he will then humbly look up to Your Majesty's Royal Clemency for some mark of approbation, to change the dishonorable predicament in which he now stands, on account of the imputations with which his character has been loaded.*

That Lord Sydney, in his answer to a letter that the Memorialists had the honor of addressing to him on the third of September, having signified

* Great God!—That I should have solicited the King in *vain*, for a Copy of this Paper, is almost incredible!!!

that he had laid the memorial to his Lordship before Your Majesty, the Memorialist respectfully expressed his hopes in a second letter, being that of the first of October before-mentioned, that whenever Your Majesty's Royal Pleasure should be determined upon it, his Lordship would communicate it to him; the Memorialist felt much mortification in being verbally informed by that Noble Lord, on the 20th of November, that his letters had been laid before Your Majesty, and that his Lordship could not give him any answer as to Your Royal Pleasure thereon.—Hence the Memorialist is, to this hour, ignorant of Your Majesty's sentiments respecting that memorial.

The Memorialist therefore, after submitting himself and his case, as stated in this memorial, and in that to Lord Sydney, with the greatest duty, veneration, and respect, that it is possible for a subject to lay himself at the feet of his Sovereign, most humbly supplicates Your Majesty, that after determining upon those Memorials, in the graciousness of Your Royal Wisdom, *Your Majesty's Pleasure on both of them may be communicated to him*, in such manner as to Your Majesty shall seem meet.

And the Memorialist, as in duty bound, shall ever pray, &c. &c. &c.

JAMES SUTHERLAND.

TO THE
 RIGHT HONORABLE LORD SYDNEY,
 One of His Majesty's Principal Secretaries of State.

The Memorial of JAMES SUTHERLAND, Esq; late His Majesty's Commissary and Judge of the Vice Admiralty Court in the Island of Minorca,

Humbly sheweth,

THAT when the French were fitting out the Squadron at Toulon, with which Count D'Estaing sailed the first time to America, the Honorable General Murray, then Lieutenant Governor of that island, equally anxious to ascertain whether an attack was meditated against him, as some troops were assembled in the South of France, as to discover the true intent of that armament, applied to the Memorialist to employ Mr. Andrew Soyris (who has lately obtained a pension for his services on that occasion) to go to France, to make observations, and procure intelligence.

That Mr. Soyris was so averse to the business, that he would not have undertaken it at the desire of any other person; but having been long employed as an interpreter in the Memorialist's office, and owing him obligations that were binding on him, he engaged to perform it, and did so, successfully.

That this business, and the part which the Memorialist had in it, having unluckily transpired, he

was thereby involved in danger, calamity, and misfortune, as herein after mentioned.

That shortly after Mr. Soyris had returned from France, the Memorialist having resolved upon coming to England, he went to Nice; where, finding that British subjects were allowed to travel through France unmolested, he took his route through that country, and, during the whole of his journey, was attentive to every thing that he heard, saw, or could learn, regarding the intentions of France against Great Britain.

That when he was preparing to leave Paris, such unusual difficulties and delays occurred in his obtaining his pass, as indicated that he was then regarded with a suspicious eye.

That when his pass was obtained, he lost no time in quitting Paris; and having travelled rapidly night and day, he had not only the good fortune of being the first person that gave Administration intelligence of the sailing of the French fleet from Brest, on the cruize in which they were encountered by Lord Keppel; but he also furnished them with precise information of the number and force of it, as well as what the intentions of the French Ministry were, not solely respecting that fleet, but as to other interesting particulars; the whole of which information was verified by events, except as to the invasion of this country, which formed a part of it; and though this did not take place, it certainly was then in contemplation.

That the Memorialist had the honor of communicating

nicating such information personally to the Earl of Sandwich; and His Lordship expressed the greatest satisfaction to him, that a man whom *he* had appointed to the office which he held under government, had done the King such *essential* service.

That the Memorialist, on preparing to return to Minorca, was charged with dispatches from the Secretary of State's and the Admiralty offices, for General Murray; and was therefore directed to proceed through Germany, instead of going through France, as he would otherwise have done; and he was furnished with a letter from Lord Weymouth to the General, directing payment to be made him of the difference of expence that he should thereby incur.

That the Memorialist proceeded accordingly to Nice; where a Sardinian vessel was hired, by direction of our consul Mr. Birbeck, purposely to carry him to Minorca, on board of which he was taken on the 16th of October 1778, by an armed boat belonging to one of three xebecs under the command of the Chevalier de Montgrand, *in violation of the principles that France had, with much parade, professed regarding neutral colors.*

That the Memorialist soon learnt, that it had been in agitation to have taken him up when at Paris; and that the French Minister of the marine had been so attentive to his motions afterwards, that he had stationed different cruizers in the vicinity of Leghorn, Genoa, and Nice, the commanders of which
had

had orders *to take him out of any vessel whatsoever where he should be found.*

That the officer commanding the boat that took him, brought a paper in his hand; at which, and at the Memorialist's person, he looked alternately; which paper the Commodore afterwards shewed him, and he found it contained so minute a description of him, as to mention that *he sometimes wore a round or scratch wig*:—This circumstance confirmed the suspicions he already entertained, that some information regarding him had been originally sent to France from Minorca, as he had not any such wig during his absence from thence; and he in that instant declared so to one of his sons, who had travelled with him from England; to whom he afterwards shewed the wig alluded to, as soon as they entered his house, on their arrival at Mahon, where it had remained.

That the Memorialist and his son were sent to Toulon, and from thence to Aix in Provence; where they remained prisoners on parole until the twelfth of November following, *when he was removed from thence, and put into close confinement as a prisoner of state, in Fort St. Nicholas at Marseilles*; to which place, his son, voluntarily surrendering himself to such confinement, was allowed to accompany him; and there the contemplation of his dismal prospects, and the evils that might arise to his then large family, if deprived of him, filled the Memorialist with inconceivable horror; and on the second day
of

of his confinement, he felt the menace of an apoplexy, from which he was relieved by being bled in the critical moment: but from that hour, he became subject to convulsive, hysteric fits, and to nervous and spasmodic complaints.

That although he was soon afterwards allowed to take a little air, for a short space of time, daily, on the summit of the castle, *with the officer of the guard only*, the rigidity of his confinement was not relaxed in any other particular; and at length the Memorialist became so extremely emaciated, and his mental faculties so impaired, that the Commandant of the Fort allowed a physician and two surgeons to visit him, and to hold a consultation about him; and the result of their deliberation having been sent to Monsieur De Sartine, that Minister gave orders that he should be released, and allowed to go to Aix again, as a prisoner upon parole; and this order absolutely saved his life, as he could not have existed in confinement three days longer: But although his life was thus preserved, his nerves, and his whole frame, had received such shocks as he has never totally recovered.

That notwithstanding his re-admission to his parole, such suspicions were still entertained of him by the French Ministry, that a person was appointed to inspect the most trifling thing that he wrote, or that was written to him.

That on the Memorialist's being afterwards exchanged as a prisoner of war, General Murray, in con-

sequence of Lord Weymouth's letter before mentioned, paid him his own and his son's extra expences until their arrival at Nice; but as that letter did not authorise the General to do more, the Petitioner did not apply to him for any thing in consideration of his heavy expences during his and his son's detention, and his indisposition in France; or what he paid the persons that did the business of his office for him, while he was so detained: And therefore he humbly hopes, that as those were incurred in consequence of his services to his country, they may not be considered to be less objects for the extension of His Majesty's Royal bounty, than the expences of those officers of the garrison of Minorca have been, who were lately hostages with the Spaniards.

That the memorialist was in England, but his family were in Minorca, when the Spaniards, under the Duke De Crillon, attacked it; and the Duke, a few days after his landing there, having misconceived the meaning of a letter that had fallen into his hands, in which the Memorialist's wife was mentioned, he placed a centinel at the door of her house, and put her into confinement in it.—This had such an effect upon a body and mind too much worn out before by anxiety and misfortune, that she attributes the almost total loss of the use of her limbs in a great measure to it:—When she was released, having still apprehensions and fears, she sold most of the Memorialist's effects, (and no other man in the island, except the Governor, had effects
of

of such value) in the greatest hurry, and to vast disadvantage; and leaving the rest of his goods in the hands of persons, that, to keep themselves from suspicion of English attachments, will now be afraid to own they are his, though they would have restored them if the island had not been ceded to Spain, she quitted Minorca as soon as possible, and brought her family, at a great expence, through France to England.—The loss and expence which the Memorialist hereby sustained, he also humbly hopes, he may look up to the Royal Munificence for a remuneration of.

That the Memorialist was upwards of twenty years in the King's service, as Judge of two of His Majesty's Vice Admiralty Courts; first, in that of Gibraltar, and afterwards at Minorca; and discharged his duty with propriety, integrity, and to the satisfaction of the suitors who came before him; of which, testimonials exist in your Lordship's Office, most honorable to him: And he has presumed to inclose minutes of a transaction that happened before the late war, between Mr. Becker, a Danish Commodore, and him at Minorca; by which it will appear, that he declined so large a fee as one hundred and eighty pounds, to which he was legally entitled, (and which his circumstances rendered desirable at the time), in order not to pass over the occasion that presented itself of shewing to foreigners his disinterestedness and delicacy in office; and to make proper impressions on his Danish Majesty's

F

Ministers,

Ministers, of our national justice and character *,
the brilliancy of which was never tarnished in his
hands :

* ‘ *MINUTES of a Transaction between the Danish
Commodore Becker and Mr. Sutherland.*

‘ In November 1770, Commodore G. W. Becker, commander
‘ of His Danish Majesty’s ship the Prince Frederic, applied to Mr.
‘ Sutherland, as Judge of the Vice Admiralty Court of Minorca,
‘ by letter and memorial, demanding justice to be administered
‘ against a Minorquin pilot, who had run that ship upon the rocks
‘ near the entrance of the harbour of Mahon, and on whom the
‘ Commodore had caused a Court of Enquiry to be laid before Mr.
‘ Sutherland, expecting it should be considered as evidence against
‘ the pilot.

‘ The letter was not uncivil ; but in the conclusion of the me-
‘ morial, there was something a little like it, and tending to con-
‘ vey a menace of his applying to superior powers, if he did not
‘ find that redress that he expected from Mr. Sutherland. Indeed
‘ the Commodore seemed to have entertained an idea, that there
‘ was a disposition in every one to screen and favour the pilot ;
‘ which idea, it was understood, originated from General John-
‘ stone, who then commanded in the island, having with great pro-
‘ priety required him to deliver the pilot up, who had been detained
‘ as a prisoner on board his ship.

‘ Mr. Sutherland, without shewing that he felt that insinuation,
‘ wrote a very civil answer to the letter, and pointed out what should
‘ be the regular mode of application to him——In consequence
‘ of this, the Commodore consulted an Advocate, and brought a
‘ suit against the pilot for the amount of the damages the ship had
‘ sustained. The custom of collecting the Judge’s fees there, is,
‘ that before he passes his sentence, the complainant pays him two
‘ and a half per cent. on the amount of the sum in litigation,
‘ which he afterwards recovers from the respondent, in case he ob-
‘ tains judgment against him*.

‘ The damages demanded by the Commodore were so very con-

* Except in Prize Causes ; for there the Fees are regulated by an Act of
Parliament.

hands: And it is his pride to boast, that notwithstanding the prodigious number of captures which he condemned during the late war, NOT ONE APPEAL was brought from any of his sentences, so much were they respected by the subjects of all the maritime powers.

That the Memorialist being now out of employ, *at a time of life that he cannot apply to any new means of acquiring a maintenance for himself and his family*, relies, with all humility, on the justice and benignity of the King; looking up to the Royal Goodness, with equal resignation and hope, as well for a remuneration of his losses and expences, as before mentioned, as for a pension, *or any office to which his poor abilities are equal*, to support him and them. And he humbly supplicates your Lordship, to lay

‘fiderable, that Mr. Sutherland’s fees amounted to about *one hundred and eighty pounds sterling*. — This Commodore Becker knew; and Mr. Sutherland had heard of indirect insinuations having been thrown out, that it was in order to touch so tempting a fee that he would not punish the pilot under the proceedings of the Danish Court of Enquiry, as the Commodore, from his ignorance of the English laws and customs, at first expected would have been done: wherefore, though he felt that that sum would have been extremely useful to him, as he had then a very large family, Mr. Sutherland had virtue and resolution enough to convince the Commodore of his error, by letting him know, before he published his sentence adjudging the pilot to pay the damages, that he would not receive any fee whatsoever; thereby demonstrating to an officer of the King of Denmark, that he was above every pecuniary consideration, and giving His Danish Majesty’s Ministers, who were acquainted with the transaction, proper ideas of our national justice.’

him and his case, with the greatest duty and veneration, at His Majesty's feet.

And your Memorialist, as in duty bound,
Will ever pray, &c.

JAMES SUTHERLAND.

Blackheath, 5th June 1784.

My LORD, Grecian Coffee-house, Temple, 7th June 1785.

AFTER an absence of four weeks from town, on a call of duty as a father, which forced me, reluctantly, to a temporary discontinuance of my endeavours to obtain a communication of the King's pleasure on a Memorial which I humbly presented to His Majesty on the 21st day of April; I beg leave to solicit the favour of being informed, whether it is in your Lordship's power to oblige me with that communication, which I feel so necessary to my reputation, and peace of mind?

And if it is not in your power, My Lord, to do so at present, may I, with all deference, request your Lordship to make His Majesty acquainted with my humble and earnest prayer, that His Royal determination on my case (as a man not less disposed to meet punishment with cheerfulness and resignation, if I shall be found to deserve it, than anxious to receive with duty, and the utmost sensibility and gratitude of a good subject, such mark of favor and approbation from the King, as my conscience

conscience tells me, I may more reasonably look for, from the Royal wisdom and goodness of His Majesty) may be made known to me?

I have the honor to be, with great respect,

My Lord, Your Lordship's

Most obedient, and most humble servant,

JAMES SUTHERLAND.

The Right Hon. Lord Sydney.

* * Having received no answer to this letter, I went on the 13th day of the same month, to the lobby of the Office of the Secretary of State; and being informed that one of the under Secretaries was in his Office, I sent him the following note:

‘ Mr. Sutherland presents his respectful compliments, and requests the favor of being told, whether any information is meant to be given him on the subject of a letter which he had the honor of writing to Lord Sydney last week.’

††† That note was immediately returned to me by the official messenger, with the following words subjoined to it:

“ *If any answer is to be given to Mr. Sutherland, it will be sent to the Grecian Coffee H^o.*”

TO

KING's MOST EXCELLENT MAJESTY*.

SIRE,

SUFFER me, I humbly beseech Your Majesty, at Your Royal Feet, to petition my Sovereign, benignly to consider my anxious situation.

A daughter so dangerously ill that her physician has held it imprudent she should have waited for my wished-for arrival, is now, by slow and easy journeys, proceeding from Devonshire towards Abergavenny; languid in the arms of an unhappy mother, whose own infirmities, of themselves, make *her* require every attention and consolation.

Should my child die before I see her, the last moments of her life will be embittered by my absence, and the uncertainty of what may be the fate of the dutiful application that I have made to my King.

Impelled by such irresistible considerations as those I have stated, it is to that amiable sensibility which so conspicuously forms a part of Your Majesty's character, that I presume to look for forgiveness, in offering them, in all humility and duty, as urgent causes of my imploring the communication of Your Royal Pleasure, on the subject of the Memorial

* The original of this was presented to the King, after the Drawing-room at St. James's, on Thursday the 4th of May 1785.

which

which Your Majesty was graciously pleased to receive from me.

That God may long preserve your Majesty, in uninterrupted peace and happiness, to be the blessing of mankind, is the most ardent prayer of,

S I R E,

Your Majesty's most dutiful and
Loyal subject and servant,
JAMES SUTHERLAND.

T O T H E

KING's MOST EXCELLENT MAJESTY*.

*The humble Petition of JAMES SUTHERLAND, Esq;
late Your Majesty's Commissary and Judge of the
Vice Admiralty Court in the island of Minorca,*

MOST HUMBLY SHEWETH,

THAT on the seventh day of June instant, the Petitioner had the honor of writing a letter to the Right Honorable Lord Sydney, one of Your Majesty's principal Secretaries of State, intimating, That after an absence of four weeks from town, on a call of duty as a father, which forced him, reluctantly, to a temporary discontinuance of his endeavors to obtain a communication of Your Majesty's Royal

* The original of this was presented to the King, after the Drawing-room at St. James's, on Thursday 23d June 1785.

Pleasure,

Pleasure, on the Memorial which he humbly presented to Your Majesty, on the twenty-first day of April last, he begged leave to solicit the favor of being informed, whether it was in his Lordship's power to oblige the Petitioner with that communication, which he felt so necessary to his reputation and peace of mind——And asking that Noble Lord, whether, if it was not in his power to do so then, the Petitioner might, with all deference, request his Lordship to make Your Majesty acquainted with his humble and earnest prayer, that Your Majesty's Royal Determination on his case might be made known to him?

That on the thirteenth instant, the Petitioner repaired to the lobby of the Office of the said Secretary of State, and having learned that one of the under Secretaries was in his Office, he wrote a note, in which he presented his respectful compliments, and requested the favor of being told, whether any information was meant to be given him on the subject of that letter?——Which note was immediately returned to him, by the official messenger, with the following words subjoined to it, viz.——“ If any “ answer is to be given to Mr. Sutherland, it will “ be sent to the Grecian Coffee-house.”

That the Petitioner, not having been able to procure any other information at the Secretary of State's Office than what he has mentioned, and finding that there has not been any answer sent to his said letter, most humbly begs leave to state those circumstances to Your Majesty, in extenuation
tion

tion of his presuming to approach his Sovereign again, to lay himself at Your Royal feet, with all the fervent zeal, dutiful affection, and humble submission of a good subject, possessing a conscience which tells him he may look up with hope to Your Majesty's benignity and benevolence.

With which sentiments, and with none other, the Petitioner most humbly supplicates Your Majesty, to dispose of him, and his said Memorial, in such manner as to the graciousness of Your Royal wisdom shall seem meet: And that, surrounded as he is with accumulated and increasing misfortunes, his family and himself may no longer remain in suspense and anxiety, regarding Your Majesty's pleasure.

And the Petitioner, as in duty bound, shall ever pray, &c. &c. &c.

JAMES SUTHERLAND.

G

TO

TO THE

KING'S MOST EXCELLENT MAJESTY*.

SIRE,

A SUBJECT who is equally filled with zealous attachment towards his Sovereign, as with the most perfect respect and veneration of his princely and private virtues, to which he is certain an appeal will never be made in vain, whenever relaxation from more momentous concerns can admit of Your Majesty's recollecting that one has been made; lately caught at the slenderest twig of hope, that through the channel of one of the public prints, there might be a possibility of his name's meeting the notice of his King in a moment of leisure.

In the various turnings of a mind possessed by anxiety, a new idea has occurred to him, of humbly laying himself at Your Majesty's feet, with that paper in his hand†; in a place, and at a time, when it is most probable that such a moment may exist.

And he humbly begs leave to assure Your Majesty, that when he delivered his Memorial to You,

* The original of this was presented to the King, at Kew, on the 21st July 1785.

† The Paper herein alluded to, is the Public Advertiser of July 12, 1785.

Sire, he had not a conception of giving umbrage or disgust to any of Your Majesty's Ministers:—And he shall be extremely concerned, if he has, unintentionally, offended any of them: For as he never, even in thought, deviated in the least from his duty to Your Majesty; so his disposition, and his wish, have been, to have demeaned himself respectfully towards them.—And he further entreats that he may be allowed to say, that that application to Your Majesty was founded in necessity; and that if he could have obtained the signification of Your Royal pleasure, on his Memorial to Lord Sydney, Your Majesty never would have been troubled with the other:—And he can most solemnly declare, that his disposition is not a vindictive one.

That God may bless Your Majesty with a long and happy reign, is his fervent wish: as much as that, at the last day, his eternal salvation may depend on his having ever been,

S I R E,

Your Majesty's most dutiful
and faithful subject and servant,

JAMES SUTHERLAND.

TO THE

KING's MOST EXCELLENT MAJESTY *,

SIRE,

AFTER that almost all the communities in the kingdom have presented addresses on Your Majesty's happy escape from the late intended assassination †, an individual, nearly overwhelmed with anxiety, possessing to the full as much attachment to Your Sacred Person as the warmest of those addresses can have professed, submissively begs leave to express his humble congratulations.

In addition to the common interest which every good subject hath in Your Majesty's preservation, he feels a distinct one; anguish, and perturbation of mind, from a cause heretofore made known to Your Majesty, ever attend him:—He, therefore, particularly offers up his adoration and thanksgivings to the God of justice and mercy, who preserved You, Sire, in the moment of danger; that Your Majesty still lives, and has the power of alleviating his distressing feelings.

Retiring unto a farm and obscurity, he humbly presumes, without an idea of any other

* The original was delivered to the King as he was going to chapel at Windsor, about eight o'clock, on Saturday morning, 16th Sept. 1786.

† By Margaret Nicholson.

retrospect,

retrospect, to annex a copy (except a small part that he has omitted) of a memorial which he formerly addressed to Lord Sydney, stating his services, and his humble claim to favor from Your Majesty. .

He most dutifully entreats, Sire, that Your Majesty will graciously condescend to take the same under Your Royal Consideration; and he will then hope, with modest confidence in the beneficence of his Sovereign, for some provision from the Royal Hand, to prevent his family's feeling those hardships (which, could they be confined to himself, would be more supportable to him,) that must otherwise attend them in his retreat:—Such a public mark of Your Majesty's favor will also remove dishonorable implications from him, and thereby restore tranquillity to his mind.

That Almighty God may preserve Your Majesty, and all Your Royal Family, in uninterrupted happiness, many, very many years, is the fervent desire of,

S I R E,

Your Majesty's most faithful

Servant, and loyal subject,

JAMES SUTHERLAND.

TO

TO THE

KING'S MOST EXCELLENT MAJESTY *.

SIRE,

A GAIN I humbly present myself before my Sovereign;—and while I most ardently rejoice at Your happy recovery, I as fervently implore that Providence which has so lately bestowed the first of blessings on Your Majesty †, to support me, lest the constant uneasiness of mind, under which I labor, from a sense of the injuries that I have sustained, the neglect with which I have been so long, and am yet treated, by Administration, (notwithstanding that, within a few months past, I have written a respectful letter to the Minister regarding my situation), and the augmented, but still accumulating misfortunes, that are overwhelming myself and my family, may drive *me* to *distrac-*
tion.

Let me then, Sire, be permitted, with great duty, to entreat Your Majesty, that either the justice, or the favor, which I have heretofore supplicated at Your Royal Hands, may, at length, be graciously extended to me.

* I put the original into the King's hand at Weymouth, on Saturday the 25th July 1789.

† The restoration of his senses.

That

That God may bless and preserve Your Majesty, the Queen, and Your Royal Progeny, is the earnest wish of,

SIRE,

Your Majesty's most faithful

Subject and servant,

JAMES SUTHERLAND,

Late Judge of the Admiralty at Minorca; now dwelling at Lower Ebford, near Topsham, Devonshire.

✿ The letter alluded to in the foregoing supplication, is one that I wrote to Mr. Pitt, on the fifteenth of March preceding, wherein I inclosed a petition to the House of Commons, and solicited his good offices with the King regarding it.

After stating my services nearly in the words of that afterwards sent to the Treasury, the petition concluded thus:

“ That the Petitioner has been several years out
“ of His Majesty's employment, and, in the decline
“ of life, has already tried such means of acquiring a maintenance for himself and his family,
“ as he thought were the most eligible; but, unhappily, those means, instead of answering his
“ hopes, have completed his ruin.—That on
“ the Petitioner's having been exchanged as a prisoner of war, General Murray, in consequence
“ of Lord Weymouth's letter before mentioned,
“ paid him his own and his son's extra-expences,
“ until their arrival at Nice; but as that letter
“ did

“ did not authorize the General to do more, the
“ Petitioner did not apply to him for any thing in
“ consideration of his heavy expences during his
“ and his son’s detention, and his indisposition in
“ France, or for what he paid the persons who did
“ the business of his office for him from the time
“ of his capture. And as those expences and dis-
“ bursements were incurred in consequence of very
“ essential services he had done his country, he
“ humbly presumes that he has a fair claim on it,
“ *at least*, for payment thereof; and as, from par-
“ ticular circumstances, he has not hitherto ob-
“ tained such payment,

“ Your humble Petitioner, therefore, throws
“ himself upon this Honorable House, in
“ hopes that you will grant him such relief
“ as in your great wisdom and justice shall
“ seem meet.”

As I did not hear any thing from Mr. Pitt in consequence of my aforesaid letter, I went to London, and, on the 6th of April, left my card with his porter.—On the eighth I returned to Downing-street, and had a conversation with his private Secretary, Mr. Smith, in which I requested the favor of being told what the Minister’s pleasure was, regarding it, and the petition inclosed in it.

Mr.

Mr. Smith said, that if any thing was to be done for me, *he* thought the Treasury would be the properest place to apply to. I told him, that although my inclination led me to prefer the application to Parliament, yet, if it was Mr. Pitt's desire that I should go to the Treasury, I would be obedient, but that I wanted to know *the Minister's pleasure to a certainty*, and would not proceed either way without that knowledge; and I requested, that if he could not then communicate Mr. Pitt's sentiments to me, that he would do me the favor to make him acquainted with that conversation, and to allow me to return in a few days, for the information I so earnestly pressed for.

Mr. Smith told me, I might return in about ten days; and that, in the mean time, he would endeavour to be able to give me that information; and he recommended that I should then bring a petition with me, addressed to the Treasury.

Desirous to establish, incontrovertibly, the fact, that I would not apply to the Treasury, *unless I was to consider that application to be sanctioned by Mr. Pitt*; instead of returning to Mr. Smith about the time appointed, I preferred writing him a letter on the 17th, from which the following is extracted:

—‘ Sir, agreeable to your desire when I had the
‘ honor of seeing you, I have framed the inclosed
‘ petition to the Treasury.—I have therein explain-
‘ ed my hopes at the hands of Administration. In
‘ the petition to Parliament, from the words, “ at
‘ least,” I made it comprehensible that something

H

‘ was

‘ was implied. I would have asked the favor of
‘ you, Sir, to have communicated *that something* to
‘ Mr. Pitt, to be such as I have now explained, in
‘ case it should have been his pleasure that the last-
‘ mentioned petition should have been made use of;
‘ *whichever of those modes of application may be*
‘ *honored with his approbation, I will bow, submissive,*
‘ *to his will.*’

Shortly after this, I waited on Mr. Smith again, who immediately (as if in a hurry) desired me to carry my petition to the Treasury. I requested him to give it me for that purpose; he told me, that as he could not directly lay his hand on it, I had better to make another copy.—He bowed, and we parted.

What was I to augur from this short scene?

Confident that it could bear no other interpretation (after what had passed on the former one, and on considering what I had written to him) than that, although he did not express it, he was authorized by Mr. Pitt to desire me to carry my petition to the Treasury, and that this direction naturally implied protection, I left the following petition at the Treasury:

TO

TO THE RIGHT HONORABLE

THE LORDS OF HIS MAJESTY'S TREASURY.

*The Humble Petition of JAMES SUTHERLAND, Esq;
His Majesty's last Judge of the Vice Admiralty
Court of Minorca,*

MOST HUMBLY SHEWETH,

THAT when the French were first fitting out the Squadron at Toulon, with which Count D'Estaing sailed the first time to America, the Honorable General Murray, then Lieutenant Governor of that island, anxious to ascertain the intent of that armament, applied to the Petitioner, to engage Mr. Andrew Soyris to go to France, to procure intelligence; who, being extremely averse to the business, would not have undertaken it for the General; but having been long employed about the Petitioner's office, and owing him other obligations that were binding on him, he engaged to perform it, and did so effectually.

That this transaction, and the part which the Petitioner had in it, having unluckily transpired, he was thereby involved in calamity and misfortune, as herein after mentioned.

That shortly after Mr. Soyris had returned to Minorca, the Petitioner had occasion to come to England; and finding that British subjects were al-

lowed to travel in France unmolested, he took that route; and, during his journey, was very assiduous to discover the intentions of the French against Great Britain: and having succeeded beyond his most sanguine expectations at Paris, he travelled rapidly, night and day, from thence, and had the happiness not only of being the first person who gave Administration intelligence of the sailing of the French fleet from thence, when they were encountered by the late Lord Keppel; but of informing them what orders the French Admiral had, regarding the operations of his fleet, the exact force of which it consisted, and what the intentions of the French Ministry were on other interesting objects.

That the Petitioner, on preparing to return to Minorca, was directed to proceed with dispatches from Government by the way of Germany, instead of going through France; and he was furnished with a letter from Lord Weymouth, then one of His Majesty's Secretaries of State, directing General Murray to pay him the difference of expence that he should thereby incur. And he accordingly proceeded to Nice, where a Savoyard vessel was hired by our consul purposely to carry him to Minorca, on board of which he was taken by the French, in violation of those principles which France had with much parade professed regarding neutral colors.

That the officer who boarded that vessel, brought a paper in his hand, containing a most minute description of the Petitioner, who soon learned, that
it

it had been in agitation to have taken him up when at Paris; and that *Monf. De Sartine*, then Minister of the marine, had been so attentive to his motions afterwards, that he had stationed different cruizers near Leghorn, Genoa, and Nice, the commanders of which had orders not to allow any colors whatever to protect him.

That the Petitioner, and one of his sons, who had travelled with him from England, were sent to Toulon, and from thence to Aix, where they remained near a month prisoners on parole; and then he was put into close confinement as a prisoner of state, in Fort St Nicholas, at Marseilles, to which place his son was allowed to accompany him. And on the second day of his confinement there, he felt the menace of an apoplexy, from which he was relieved by being bled in the critical moment; but from that hour he became, and continues to be so still, subject to convulsive, hysteric fits, and to nervous and spasmodic complaints; and at length he became so extremely emaciated, and his mental faculties were so impaired, that the commandant of the Fort allowed a physician and two surgeons to hold a consultation about him; and the result of their deliberations having been sent to *Monsieur De Sartine*, that Minister gave orders that he should be allowed to return to Aix, again prisoner upon parole: this absolutely saved his life.

That the Petitioner was upwards of twenty years in the King's service,—first as Judge of the Vice Admiralty Court at Gibraltar, and afterwards at Minorca;

Minorca; and discharged his duty with honor and integrity; of which, among other testimonials existing in Lord Sydney's Office, are minutes of a transaction between a Danish Commodore and the Petitioner, who declined receiving so large a fee as *one hundred and eighty pounds*, to which he was entitled, in order to make proper impressions on His Danish Majesty's Ministers, of his delicacy in office, and of our national justice and character. And the Petitioner is proud, that notwithstanding the great number of captures which he condemned during the late war, NOT ONE APPEAL was brought from any of his sentences, so much were they respected by the subjects of all the maritime powers.

That the Petitioner has been several years out of His Majesty's service; and having been rendered, by his sufferings in a French prison, as before mentioned, unequal to much exertion of the mental faculties, and the use of his pen, he has, in the decline of life, tried such other means of contributing to the maintenance of his family as he thought the most eligible; but, unhappily, those means, instead of answering his hopes, have had a far different effect.

That on the Petitioner's having been exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter, paid him his own and his son's extra-expences, until their arrival at Nice: But as the General was not authorised to do more, the Petitioner did not apply to him for any thing on account of their heavy expences during
their

their detention, and his indisposition in France, or for what he paid the persons who did the business of his office for him from the time of his capture. And he most humbly begs leave to submit, that the *one* particular service rendered by Mr. Soyris, (and in which the Petitioner was also instrumental) as before mentioned, who did not suffer in the least thereby, and who had also received a pecuniary gratification at the time of doing it, having been thought deserving of a pension, under an Administration consisting of most of the Members of the present Cabinet Ministers, in consequence of his having stated his claim thereto, *to Lord Sydney*; the Petitioner did not mean to arrogate, when he addressed a memorial to his Lordship on the 5th of June 1784; and in entertaining hope, that not only a remuneration of the expences and disbursements aforesaid would have been made him, but also that a pension, proportioned to the different situations in life between him and Mr. Soyris, as well as to the much more eminent services that the Petitioner had done his country, and to the calamities thereby entailed on him, would have been granted him by Government, from the period that Mr. Soyris obtained his. The more so, as that Administration had, with justice and liberality, made a pecuniary allowance to several officers of the garrison of Minorca, that had been detained as hostages by the Spaniards; and had, moreover, granted pensions to different persons, not regularly in the King's service, who had served during the

siege of St. Phillips Castle; to one of which persons (a Corsican) the pension assigned was, as the Petitioner is informed, ten shillings a day.

That the Petitioner not having obtained any communication of the King's pleasure regarding either of those objects, through Lord Sydney, (to whom nothing inconsistent with respect is meant by introducing his Lordship's name), begs leave, with great deference, to suggest to your Lordships his claim to both.

The Petitioner, therefore, most humbly prays your Lordships to take his case under your consideration, and to grant him such relief as in your great wisdom and justice you may think proper.

And the Petitioner shall pray, &c. &c.

JAMES SUTHERLAND.

* * * On the fifteenth of May, I got access to Mr. Rose at the Treasury, who assured me, *that he would take care of my petition, and that I should hear from him.* I desired leave to return to him again. He then repeated, *that he would take care of my petition, and that I should hear from him.* I waited until the twenty-seventh, and then reminded him, by letter, of that promise; and as this did not produce any thing, I wrote to him again on the tenth of June, telling him, that as I was obliged to leave town that day, I requested, whenever he would let me hear from him, *agreeable to his promise*, he would be so good as to direct to me at my late residence in Devon-

Devonshire; yet I never heard from him, nor have I received any *official* information of what had been the fate of that petition; notwithstanding that, the day before that on which I wrote my last mentioned letter to Mr. Rose, I was privately informed, by a person who had made himself master of the fact, that the Treasury Board had put a negative on my pretensions.

TO THE

KING's MOST EXCELLENT MAJESTY *.

S I R E,

TOTTERING under the weight of the severest troubles; and trembling, not for myself, but for my family, at the dismal certainty, that at Michaelmas, when, by a late agreement, founded on necessity, I am to give up my farm, I shall be much in debt; and, (should I then be alive, *which I do not wish for*, and hardly expect, as the convulsions in my head become more violent daily; and on Friday last, being seized with one of them, I staggered at the door of a stranger's house, near London-Wall, where water and other assistance at length brought me back to distracting anxiety), without any home to bring my wife and daughters

* Presented at Windfor, the 22d of August 1790.

to, who, for months past, have lived at a relation's; my hearing almost gone, and my sight decaying fast:—I came to town for a week, and have come to Windsor for a day, to seek an opportunity of laying myself and my sorrows at Your Majesty's feet.

Since presenting my humble supplication to Your Majesty at Weymouth, I wrote another letter to the Right Honorable Mr. Pitt, which I meant should have been a most submissive one. If, unhappily, any expression in that letter can be thought not sufficiently so, I do most solemnly declare, that my sentiments are most dutiful to Your Majesty, and perfectly respectful to the Minister.

In this predicament, I humbly entreat to be permitted, Sire, to petition Your Majesty to forgive every indiscretion of the pen, which the impulse of temporary agitation on a troubled mind, and convulsive nerves, may have led me into*: And then to supplicate, with extreme reverence, that Your Royal Favour may be graciously and speedily extended *to my family*, if not to myself:—That when I shall be no more, they, and particularly my daughters, (who, from the honorable and lucrative situation I once held in Your Majesty's service, were brought up in a way that makes their distress heavier, by having had brighter prospects held up

* This alludes to my having formerly laid my case before the Public, (prefaced by a letter to Mr. Pitt), as far as events had occurred at the time of publication.

to them), may gratefully contemplate those blessings of health and happiness, which I most fervently implore the God of Mercy to continue to Your Majesty all your life.

SIRE,

Your Majesty's most zealous Subject,
and faithful Servant,

JAMES SUTHERLAND.

☞ The letter to Mr. Pitt, alluded to in this address, was written in terms of great respect, and dated the 31 December 1789.—What I have already stated regarding Mr. Smith and Mr. Rose, is contained in it. I also indicated, that my having gone to town, and being detained there to follow up my solicitation, had been very expensive: That a farm, which I then rented, had been much neglected during my absence from it, whereby I had sustained a considerable loss: That, had my letter of the 15th of March, procured me information that I had nothing to expect through him, those evils would have been avoided. And I entreated, in as pathetic a manner as I possibly could, that he would, with a generous mind, and a feeling heart, consider my situation. What follows is the conclusion of that letter:—“ Although I am far from desiring
“ to take a retrospect of any measures that had been
“ adopted regarding General Murray, prejudicial
“ to me, and which my too quick sensibility hurried
“ me to resent, in a way that I am sorry for *; yet

* Alluding to my former publication before mentioned.

“I will beg leave to point out one circumstance,
“argumentative of my ill luck, and of my modera-
“tion at first; and that is, That when I heard it
“reported, that the General was soliciting *the King*
“for pecuniary remuneration on account of the
“verdict which I had obtained against him, and
“that, to induce His Majesty to favor him, he had
“asperged my character, I ventured to write to
“Lord C——d, intimating, that however ill-
“founded the General’s claim was, still I had no
“wish to thwart any measure that Administration
“might choose to adopt about him, if done in a
“manner that should not affect my reputation. I
“was led to apply to that Nobleman, (whom I
“must ever hold in the highest estimation), in
“hopes, that from his connection with you, Sir,
“and as I formerly had the honor, through the
“late Sir R—d L—t—n, of being acquainted with
“him, and had received favors and countenance
“from him, I might, through his channel, get
“my statement of things communicated to you.
“His Lordship wrote me a note, acquainting me,
“that he had spoken to the Secretary of State, which
“was all that he could do. Not holding a *mere*
“*report* of the General’s application to be sufficient
“ground for my taking any other measure, I con-
“tented myself with presenting a memorial to
“Lord Sydney, to be laid before the King, stating
“my pretensions to His Majesty’s favor and muni-
“ficence. Had that Memorial *been discountenanced*
“at the Secretary of State’s Office, I should have
“concluded,

“ concluded, that what I had heard of the General’s
 “ application was true ; and I would then have held
 “ myself authorised to have sent you the minutes,
 “ which I had before transmitted to Lord C——d ;
 “ and I am disposed to flatter myself, that had I
 “ done so, it would have prevented all the mischief,
 “ and the expence of *about a thousand pounds* that
 “ were brought on me, from the construction which
 “ I had put on the *favorable* reception which that
 “ memorial met with ; and the measures I adopted,
 “ on finding, *when it was too late*, that the hopes
 “ I had formed on such reception, had been delu-
 “ sive and destructive.”

SIR, Lower Ebford, near Topsham, 6th Sept. 1790.

THE copy of the supplication* to His Majesty, which accompanies this, will shew that I shall be driven from hence on the twenty-ninth instant, to go—God only knows where.

I beg leave to repeat to *yourself*, Sir, every sentiment therein expressed *to the King* †, and to make *to you, personally*, the same petition and supplication that I have done to His Majesty.

I have the honour to be, very respectfully, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

* That presented to the King on the 22d August.

† This I meant to allude particularly to the letter addressed to Mr. Pitt, prefatory to my former publication.

SIR,

SIR,

London, 26th Dec. 1790.

MY necessities must be my excuse for the intrusion of this letter, with the inclosed copy of a petition, which I intend presenting to the House of Commons, as soon after the holidays as I shall find practicable. I mean to go out of town for three or four weeks, and shall return to my present lodgings. My family are quartered on a relation of my wife. It is not my intention to distribute any copies of the petition till my return.

In framing it, I have endeavoured to avoid every possible tendency of offence, as I have not a wish but to be most respectful to Administration. With that view, I have adopted the very words with which General Murray's petition concluded, for the conclusion of mine. Would to God I could prevail on you, Sir, to use your good offices with His Majesty in my favor!—I had great hopes that my letter to you, covering a copy of my last supplication presented to the King, would have had that effect. How thankful would I be to Providence, and to you, Sir, if that hope could *yet* be verified! and that I might have the happiness to subscribe myself, with as much gratitude, as I now have the honor of doing with respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

SIR,

SIR,

London, 3d March, 1791.

I have learned, with infinite satisfaction, from Mr. Sawbridge, that he withheld a petition that I delivered him to present to the House of Commons; because you told him on Monday, that you would enquire into the nature of my pretensions, and that if they were well-founded, you would on a future day recommend it, in His Majesty's name, to the consideration of the House.

Allow me, Sir, with a heart overflowing with gratitude for this consolation, to thank you for it most fervently: and then to entreat you to peruse the inclosed draught of a petition, in which I have *amplified* those hopes of favor which were but *implied* in that given to Mr. Sawbridge.

Your generous protection of it, Sir, by recommending it in the King's name, will do me such honor as will restore tranquillity to my troubled mind; and the provision that I now flatter myself your goodness may suggest to be made for the support of myself and my family, by relieving us from such distress *as has long made me wish for annihilation*, will render life desirable, to pray for blessings on His Majesty, and you, Sir.—

I have the honor to be,

With infinite respect, &c.

JAMES SUTHERLAND.

No. 6, Salisbury-Court, Fleet-Street.

The Right Hon. William Pitt.

* * A few
* *

* * A few days after the date of this letter, I went to Downing-street, to try to get access to Mr. Pitt; and, on being told that he was not at home, I left my name on a card. I returned thither in about a week; was again told that he was not at home; and I left a card with my name on it, a second time. I went a third time, on the twenty-fifth, when, finding it impossible to get at Mr. Pitt, I enquired for Mr. Smith, who saw me, and told me, that if I would send him a copy of my petition, and return in a week after, he would let me know Mr. Pitt's determination regarding it. I therefore sent him a copy that evening. On the second of April I returned to Mr. Smith; and he assured me, that Mr. Pitt had been so extremely occupied by the pressure of public business, that no opportunity had offered of mentioning me to him; but that he would be mindful of me the first time he should find him at leisure. I went again to Mr. Smith, on the fourteenth, and received the same answer, and the same promise.

Having on the nineteenth had a more severe convulsive attack than any I had been troubled with since the time of my having been a state prisoner in France, I was induced to write to Mr. Pitt again.

S I R, No. 20, Devereux-court, Temple, 23d April 1791.

Having such expectations as are given me, that you will take my case under your consideration; I

would not molest you, Sir, with any entreaty to do so speedily, if I had not on Tuesday had a convulsion of a most alarming nature.

But my apprehensions for what may be the fate of *two daughters*, in case of another convulsive attack, before the objects of my solicitation are adjusted, will, I hope, plead my excuse, with a Minister, whose sensibility and philanthropy have been so conspicuous in the debate on the Slave Trade. I beg leave to urge another apology; and that is, that from ——* of an attorney, I am exposed to be overwhelmed next term; as he knows, too well, that the state of my finances will not enable me to face those claims, which he would not otherwise dare to pursue.

I have the honor to be,

Most respectfully, &c.

JAMES SUTHERLAND.

Right Hon. William Pitt.

* * * As I did not hear any thing in consequence of the foregoing letter, I went to Mr. Smith again, on the second of May; and he told me, that as Mr. Pitt had been out of town all the preceding week, he could not have spoken to him about me, but would certainly do so as soon as he could. I returned on the seventh; Mr. Smith could not see me.

* The epithet that was in the original, is omitted here.---The Attorney alluded to does not reside an hundred miles from E——r.

but sent me word, that Mr. Pitt had been so busy that he could not find an opportunity of mentioning my affair.

At length I wrote the following letter to him :

S I R,

Friday Evening, 20th May 1791.

AS the situation of my health and mind will not allow me to wait on you again, I must beg the favor of you to return me the copy of my Petition to Parliament, which I sent you on the 25th of March, in consequence of your having that day told me, that if I did so, and would return to you in about a week, I should know Mr. Pitt's determination on it.

And I must also beg the favor of you, that if you shall have any communication to give me, it may be addressed to me according to the direction that I have put under my name.

In making this application, I mean nothing disrespectful to Mr. Pitt, or uncivil to you.

I have the honor to remain, &c.

JAMES SUTHERLAND,

No. 20, Devereux-court, Temple.

Joseph Smith, Esq;

* * Mr. Steele, the Joint Paymaster, had told me that afternoon, in the lobby of the House of Commons, the resolution that the Minister had come to on my business. But holding myself at liberty to make use of *his* name, I wrote the foregoing letter

to Mr. Smith, in hopes of obtaining an answer thereto, so that I might have an ostensible authority for stating Mr. Pitt's determination.—But it has been my fate *never* to have been able to get access to the Minister, or even to draw one line from himself, or from either of the Gentlemen that have been his private Secretaries. On the Saturday evening I therefore wrote to Mr. Steele, stating my embarrassment regarding the want of such ostensible authority. On the twenty-fifth I received an answer from him, (he had been out of town part of the intermediate time), from which I have extracted what follows:—"You are perfectly at liberty to make
 "use of my name on the occasion, and to quote
 "me, as having informed you, that on the perusal of
 "your Memorial, Mr. Pitt was of opinion, that it
 "could not, with propriety, be submitted to the
 "consideration of Parliament; and that he did not
 "think himself at liberty to signify His Majesty's
 "consent for that purpose."

SIR, No. 20, Devereux-court, Temple, 26th May 1791.

IN consequence of Mr. Steele's having intimated to me, *that you were of opinion that my Petition could not with propriety be submitted to Parliament, and that you did not think yourself at liberty to signify His Majesty's consent for that purpose;* I have held it necessary to make a small alteration near the conclusion of it; and I have the honor to inclose a copy, such as the original will be, when Mr. Alderman Sawbridge shall, on Monday next, move for leave to present

it. I have also the honor to subjoin a list of papers, which Mr. Sawbridge has authorized me to say he will to-morrow move for the production of. Among them is a memorial which I addressed to Lord Sydney, on the fifth of June 1784. It may not have come to your knowledge, Sir, that after therein stating my solicitation for a pension, I added the following words, *viz.* “or any office to which his “poor abilities are equal.”*—I had suggested to Mr. Nepean, that as the late Mr. Birkbeck, then Consul at Nice, was very old and infirm, I would have been glad to have had the reversion of that employment. Allow me, Sir, to say, that, *with all my infirmities*, I still think I may be equal to such an office as this; and that, far from wishing to eat the bread of idleness, as a drone to my country, I should hold myself fortunate, in case of a pension being granted me, according to the prayer of my petition, should it be stipulated to terminate upon my being appointed Consul to any of the European States, with a proper salary, or upon my being named to any decent employment in England, that, *such as I feel myself to be*, I would venture on, without apprehension of being afterwards dismissed, on account of being unequal to the discharge of it.

I have the honor to remain,

With the greatest respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

* When I said this, my recollection did not serve me, that on the 16th of August 1784, I had sent him a copy of that memorial.

LIST

LIST OF PAPERS.

A letter from Mr. Sutherland, addressed "To
" His Excellency the Hon. — Franklyn, Em-
" bassador from America ;" dated " Fort St. Ni-
" cholas, Marseilles, 20th Dec. 1778 ;" and an
inclosure therein, addressed " To Philip Stephens,
Esq." Those two papers were produced to a Com-
mittee, on the 11th August 1784.

Mr. Soyris's Memorial to the Secretary of State,
under which he obtained a pension.

Mr. Sutherland's Memorial to Lord Sydney, in
June 1784.

Letter from Mr. Sutherland to the Right Hon.
Mr. Pitt, 3d December 1789.

Account of Money paid by Government to Co-
lonel Pringle, Major Hagar, and Captain Pringle,
who had been detained as hostages by the Spaniards
for the return of transports sent from Minorca.

Account of Money paid by Government to a
Major or Captain Campbell, who had, under some
pretext, been detained as an hostage at the Havanna.

✂ Mr. Sawbridge did not move for the produc-
tion of those papers, because Mr. Pitt told him, on
the 27th, that he would oppose the production of
them: And he talked of my letter to him of the
3d December 1789, as a *private* letter. He might
as well have contended, that *all* the letters written to
him by me were *private*!

Monday,

Monday, 5 o'clock.

I was not able to reach the House of Commons till late in the evening of Monday, having had a slight convulsive fit in the afternoon.—The door-keeper then gave me the following note :

“ Mr. Sawbridge, *at the request of Mr. Pitt*, who
“ says his hurry has prevented his examining what
“ has been laid before him, defers presenting the
“ petition till Wednesday, and is gone home.”

Circumstances occurred, that did not afford Mr. Sawbridge an opportunity of doing any thing in my business until Friday :—He then read my petition to the House, and gave notice, that he would present it on the Monday following : but Mr. Pitt, having given him assurances on Monday, in a conference which they then had in the House, that my claims should be attended to at the Treasury, and that I might depend upon *dispatch*, and getting a *positive answer* regarding them ; it was settled that I should apply to the Treasury, and that my petition should not be presented to the House.

In consequence of this I wrote to the Minister :

SIR, No. 20, Devereux Court, Temple, 10th June 1791.

RETURNING to renew my applications at the Treasury, I trust, considering every circumstance which has lately occurred, that I may rely on your protection there ; and that although it will be impossible, Sir, to give my case a dispatch *adequate to*
my

my urgent necessities, your goodness will induce you to contribute every possible facilitation towards that desirable end. I cannot sufficiently express, how deep an impression your favor will make on my depressed heart and mind; yet I am certain, that it will bind me to you in everlasting gratitude.

I have the honor to continue,

With the highest respect, &c.

JAMES SUTHERLAND.

Right Hon. William Pitt.

The same day I sent my petition to the Treasury, accompanied by the following letter :

S I R, No. 20, Devereux-court, Temple, 10th June 1791.

I HAVE the honor to inclose you a Petition, which, although addressed to the House of Commons, I am to request the favor of you to lay before the Lords of his Majesty's Treasury, as if it had been immediately addressed to their Lordships; because Mr. Alderman Sawbridge told me, that on Monday last, he had a conversation with the Right Honorable Mr. Pitt, in that house, on the subject of it; and that he had received assurances, that if I referred my case to the Treasury, it should be duly attended to, with dispatch.

That Petition, and the letter from me to Mr. Pitt, of which you will find a copy on the other side*,

* The letter here alluded to, is the one dated the 26th May.—I did not send the List of Papers with the copy which is subjoined to the original.

comprehend

comprehend the objects of my solicitation; and therefore I humbly beg leave to submit both to their Lordships consideration, with the utmost deference.

I have the honor to be, respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq.

On the 16th I waited on Mr. Rose, and the next day wrote to the Minister again :

S I R, No. 20, Devereux-court, Temple, 27th June 1791.

Mr. ROSE having informed me yesterday, that the papers which I lately sent him, will be laid before a Board of Treasury on Tuesday next; but that he could not assure me that my affair would be determined on that day; I humbly beg your permission, Sir, to break in upon you, *for the last time*, to insinuate, that however for the sake of form I have applied to the Treasury, it is to your liberality and benevolence that I look for justice, favor, and *dispatch*.

Although nothing was done last term, in the suits I formerly mentioned, which, by the —* of an attorney, I am engaged in, because proceedings in the ensuing term, which begins *the twenty-fourth instant*, will bring matters equally forward to the next assizes for Devon; I am menaced that the trials shall *then* take place. I therefore have not any time to lose, in putting my present attorney in cash, to prepare for facing my adversaries; but, alas! I have

* An epithet is also omitted here.

not the means of doing so, *or even of subsisting longer*: since, from the 26th of December last, (the day on which I had the honor to inclose you a copy of my petition to Parliament), to this hour, I have existed by selling every little thing of value that I had, and now have not any thing more to sell.

Let me then, Sir, implore you, by every thing you hold dear, *to preserve from the effects of despair*, a person who, since he is driven to egotize, holds himself up as a man of worth and honor;—who has never merited any thing from his King and country so much as favor and reward;—who has ever been ready to prove this; and to remove wrong impressions, if any charge had been *openly* made against him, and he could have obtained the satisfaction of being called upon for a defence;—and, permit me to add, who has feelings, that, *were he not a father*, would have inclined him—*rather to have perished*,—than to be importunate—in this language.

I have the honor of being,

With the utmost respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

* * * I had deposited a sum of money in Court, more than the worthy attorney had a right to. He might have tried the cause last assizes;—he however did not, but said he would do so at the next. As he has not accepted the money so deposited, I ought to be in readiness to meet his menace; for he

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is not obliged to give me notice of trial before the eighth, the affizes at E——r not beginning till the 22d August. Yet, from the circumstance of my having made the deposit before-mentioned, which indicated a determination to stand trial, he may think I have found assistance to enable me to do so; and therefore will not venture to proceed.—So true is the line, “ ’Tis *conscience* that makes cowards of “ us all.”

In the afternoon I received the following card :

“ Mr. Rose presents his compliments to Mr. Sutherland, and shall be glad to see him here, to-morrow morning, at half past eleven o’clock.

“ Treasury Chambers, June 17, 1791.”

I attended the appointment. Mr. Rose returned me the petition which I had sent him on the tenth;—told me, that as it was addressed to *the House of Commons*, it was necessary to alter the address; that if I did so, and sent him one that afternoon (Saturday) or on Monday morning, addressed to the Lords of the Treasury, I should get *immediate* dispatch—adding, that *he had spoken to Mr. Pitt about me*.

I altered my petition, got it copied, and wrote him the following letter in the afternoon:

S I R, No. 20, Devereux-court, Temple, 18th June 1791.

I have the honor to send you my petition, addressed to the Lords of the Treasury. Subjoined to my former letter to you of the tenth, was a copy of one that I had the honor of writing to Mr. Pitt,

THE SAME DAY. It shewed, that, from the first, I should have been happy to have filled any decent office under Government, that I, with my infirmities, might have been thought fit for. And I beg leave to request, that it may be laid before their Lordships.

I have the honor to be, respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq;

* * The words "the same day," which I have distinguished by small capitals in this letter, ought to have been on the 26th of May; *that* being the date of the letter of which I had sent Mr. Rose a copy.

On Wednesday the twenty-second, I went to Mr. Rose, who told me that my petition had been laid before the Board the preceding day: but that as it was not a common paper, but one that required some consideration, nothing had been determined upon it. I asked him, when he would allow me to wait on him again? and he said, that I had better not return till he should send for me!

TO THE

RIGHT HONORABLE THE LORDS OF
HIS MAJESTY'S TREASURY.

*The Humble Petition of JAMES SUTHERLAND, Esq;
late His Majesty's Judge of the Vice Admiralty Court
of Minorca,*

Most humbly sheweth,

THAT when the French were fitting out the squadron at Toulon, with which Count D'Estaing failed the first time to America, the Honorable General Murray, then Lieutenant-Governor of that island, anxious to ascertain whether the armament was intended against him, applied to the Petitioner to engage Mr. Andrew Soyris to go to France, to procure intelligence; who, being extremely averse to such a commission, would not have undertaken it for the General: but having been long employed about the Petitioner's office, and owing him obligations that were binding on him, he could not withstand *his* solicitation, and therefore engaged to perform it; and did so, effectually—and held his correspondence, while in France, not with the General, but with the Petitioner.

That Mr. Soyris not only received a pecuniary gratification from General Murray, but, since the capture of Minorca, he also obtained a pension from Government, in consideration of that single business, wherein the Petitioner had been so instrumental.

That

That this agency of the said Mr. Soyris, and the part which the Petitioner had in it, having transpired as soon as he had returned to Minorca, the Petitioner thereby became involved in calamity and misfortune, as hereafter mentioned.—That shortly after this, the Petitioner had occasion to come to England; and finding that British subjects were allowed to travel through France, unmolested, he took that route; and, during his journey, was very assiduous to discover the intentions of the French against Great Britain; and having succeeded beyond his most sanguine expectations at Paris, he travelled rapidly, night and day, from thence; and had the happiness, not only of giving Administration the first intelligence of the sailing of the fleet from Brest, when they were encountered by the late Lord Keppel, but he also informed them of the exact force of which it consisted, and what orders the French Admiral had, regarding the operations of it, as well as what the intentions of the French Ministry were on other objects: whereupon the Noble Lord who then presided at the Admiralty, had the goodness to assure the Petitioner, that his zeal in His Majesty's service merited the highest approbation.

That the Petitioner, on preparing to return to Minorca, was directed to proceed with dispatches from Government, by the way of Germany, instead of going through France; being furnished with a letter from Lord Weymouth, then one of His Majesty's Secretaries of State, directing General Murray to
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pay him the difference of expence that he should thereby incur. And he accordingly proceeded to Nice, where he hired a Savoyard vessel, through the medium of our consul, purposely to carry him to Minorca, on board of which he was taken by the French, in violation of those principles which France had with much parade professed regarding neutral colors.

That the officer who boarded that vessel, brought a paper in his hand, containing a most minute description of the Petitioner, who soon learned, that it had been in contemplation to have taken him up when at Paris; and that Mons. De Sartine, then Minister of the marine, had been so attentive to his motions ever after, that he had stationed different cruizers near Leghorn, Genoa, and Nice, to intercept him; and had ordered the commanders not to allow any colors whatever to protect him.

That the Petitioner, and one of his sons, who had travelled with him from England, were sent to Toulon, and from thence to Aix, where they remained near a month prisoners on parole; and then he was put into close confinement as a prisoner of state, in Fort St. Nicholas, at Marseilles, to which place his son was allowed to accompany him.

That on the second day of his confinement, he felt the menace of an apoplexy; from which he was relieved by being bled in the critical moment: but from that hour he became subject to convulsive, hysteric fits, and to nervous and spasmodic complaints; which still affect him, and have rendered him

him incapable of a permanent, vigorous exertion of the mind; and of writing either plain, fast, or much at a time.

That at length he became extremely emaciated, and his mental faculties were so impaired, that the Commandant of the Fort allowed a physician and two surgeons to hold a consultation about him; and the result of their deliberations having been sent to Monsieur De Sartine, that Minister gave orders, that he should be allowed to return to Aix again, as a prisoner upon parole; which order arrived just in time to save his life.

That the Petitioner having been at length exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter before mentioned, paid him his own and his son's expences, until their arrival at Nice. But as the General was not authorised to do more, the Petitioner did not apply to him for any thing on account of what he had paid the master of the Savoyard vessel that had been hired to take him to Minorca, as before mentioned; or for his heavy expences during his detention and severe indisposition in France; or for what he paid the persons who did the business of his office for him, from the time of his capture.

That as those expences and disbursements were incurred in consequence of the service that he had done his country, as before mentioned, he humbly presumes that he has a fair claim on it for reimbursement. And the Petitioner does not mean to arrogate, when he begs leave to suggest, that
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laboring under such infirmities as he has described to have originated from his sufferings, in consequence of the services he rendered his country, he also humbly presumes, that he has pretensions to some decent provision being made for the support of himself, and his family, from the period that the aforesaid Mr. Soyris obtained a pension: And as, notwithstanding that during several years, and at an expence of many hundreds of pounds, he has solicited the attention of Government to both those objects, without obtaining any benefit whatever: And as he has been without emolument from the time that he lost an honorable and lucrative office, by Minorca being taken by the Spaniards:

The Petitioner therefore most humbly prays your Lordships to take his case under your consideration, and to grant him such relief as in your great wisdom and justice you may think proper.

And the Petitioner shall pray, &c. &c. &c.

JAMES SUTHERLAND.

SIR, No. 20, Devereux-court, Temple, 29th June 1791.

ALTHOUGH I do not molest you with any importunity in person, I am obliged to do so by letter. There are situations that force a man into actions contrary to his wishes; and such a one is mine at present; for my disposition, most assuredly, inclines
me

me to wait for the pleasure of receiving your commands. To account for my not being able to do so, I would inclose you a copy of a letter that I had the honor of writing to His Majesty's Chancellor of the Exchequer, on the seventeenth instant, were I not persuaded, from circumstances, that you are not a stranger to its contents.

Under this idea, therefore, I beg leave to request, that you will do me the favor to present my most humble respects and supplications to him, that he will generously determine my fate, with the liberality attendant on a great mind. For the pressure of things with me, are now extreme; and I have had a convulsive attack, at a friend's house in the country, which, though not much stronger than those that frequently make me stagger as I walk the streets, might have been fatal, if, in a fall which it occasioned, my head had happened, instead of my shoulder having done so, to have forced itself through a large thick pane in a glass door.

I have the honor to remain,

Respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq.

☞ On Friday the eighth of July, I waited on Mr. Rose, who told me, that their Lordships had not yet come to any determination regarding my solicitation; and that its being dispatched, depended on them, not him: And added, that there would

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be a Board that day. I gave him a copy of the letter which I had written to Mr. Pitt on the seventeenth of June. On my return to my lodgings, I wrote the Minister the following letter, and dated it by mistake the *ninth* of July, instead of the *eighth*. The porter who carried it to Downing-street, brought me word, that Mr. Pitt was out of town, but that it would be sent to him the next morning.

SIR, No. 20, Devereux-court, Temple, 9th July 1791.

WHEN I had the honor of writing to you on the seventeenth ultimo, I meant it for the last opportunity that you should be molested with on my part. It would have been so, but for the following circumstance :

Mr. Rose sent me a note that afternoon, desiring to see me at the Treasury the next morning:— When I waited on him, he returned me the Petition that I had addressed to the House of Commons, and which I had sent him in an official letter, on the tenth, to be laid before the Lords of His Majesty's Treasury; and he told me, that if I would send him one addressed to their Lordships, either that afternoon, or on Monday morning, it should get *immediate dispatch*; adding, that he had spoken to you, Sir, about my business.

Elated with hope, I sent him a Petition that afternoon; and I borrowed a few guineas from a
3 friend,

friend, who thought, with me, that this appearance of things was favorable.

The delay that has since occurred, makes me view matters, now, in a different light.—The distress of my situation, stated in my letter of the seventeenth, is heightened;—my mind is full of agony;—the expected disasters of *one week* may drive me from my country. I am desirous, in that case, to leave credentials behind me, of the hard necessity that bears me down.

In this tormenting situation, I beg you will forgive me, Sir, for intruding myself again; and allow me to entreat, as I most fervently do, that you will speedily determine my fate. It depends upon *your* generosity and justice.

I have the honor to remain,

With the greatest respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

☞ Eighteenth July—I went to the Treasury, and sent my name on a card to Mr. Rose. The door-keeper immediately returned with a message from him, which I have stated in the following letter:

SIR, No. 29, Devereux-court, Temple, 19th July 1791.

YESTERDAY, when I waited on you to solicit the dispatch of my business, I was informed by the door-keeper, *that their Lordships had not yet come to*

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any determination on my Petition, and that you would write to me.

The last time that I had the pleasure of seeing you, (the eighth instant), I left a copy of a letter with you, which I had written to His Majesty's Chancellor of the Exchequer on the seventeenth of last month:—I wished to have had an opportunity yesterday, of putting into your hand, a copy of another letter which I have since had the honor of writing to him; this copy I now inclose, with a short memorandum subjoined to it.

Allow me, Sir, to request (however mortifying the exposure) that you will do me the favor to lay *both* those copies before their Lordships, with the most humble and most respectful petition on my part, that the circumstances stated in them may plead my excuse for being urgent to obtain their favorable decision.

In any other predicament, I should follow my inclination to wait in silent deference their Lordships pleasure; but, no longer master of myself—controlled by incidents—I cannot avoid saying, that a few days will *certainly* put me in a situation not to be benefited by any favor that may be intended me, if their Lordships goodness shall not lead them to direct that such favor may be speedily signified to me. And therefore I shall be impatiently expecting your promised letter.

I have the honor to be,

Respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq.

* * * The

* * * The memorandum alluded to in the foregoing letter was as follows:—Memorandum—So far back as *the sixteenth August 1784*, I sent Mr. Pitt a copy of my Memorial to Lord Sydney, of the 5th of June preceding, stating my pretensions to the King's favor. And on the 17th April 1789, I sent him a Petition, addressed to the Treasury, of a similar nature with that now before their Lordships; and a duplicate of it was a few days after sent to the Board.

N. B. The reason I sent the foregoing memorandum to Mr. Rose, was, because he had, on the 22d of June, as before mentioned, told me that my Petition was not a common paper, but one that required some consideration. The memorandum shews the great length of time (near seven years) Mr. Pitt has had to make up his mind about my case.

SIR, No. 20, Devereux-court, Temple, 22d July 1791.

UNABLE longer to bear the agonies of suspense; and having, from the first, intimated, *that no evil could arise to me that would be equal to delay*; I do myself the honor of waiting upon you, to solicit the favor of being informed of their Lordships determination on my Petition to them.

If it is not in your power, Sir, to communicate it to me *now*, or I shall not have it signified to me
to-morrow,

to-morrow, I *must* give up hope and expectation. Yet I beg that this may be understood (as it really is) to be the language of desperation, not that of disrespect:—for I disclaim every idea of the latter.

And I have the honor to remain, with the same sentiments of deference which I have hitherto expressed to their Lordships, and yourself, &c.

JAMES SUTHERLAND.

George Rose, Esq.

☞ I went with this letter in the morning of its date to the Treasury; and having written on the back of it that I was in attendance, Mr. Rose saw me, and told me that he had laid my Petition before the Board *twice* when Mr. Pitt was present, who had not yet made up his mind about it; that he had shewn him my letter of the nineteenth. I begged of Mr. Rose to shew Mr. Pitt this letter also, and to let me hear from himself the next day. Mr. Rose assured me, that he would shew the letter to Mr. Pitt; but said, that he could not engage to write to me within any certain time, and could only promise that I should hear from him as soon as any thing should be determined on. This language, and all that he had said to me since the 18th of June, having been so different from what passed on that day, did not allow me to retain a doubt that I was to be again trifled with at the Treasury. I did not, however, express any idea of that kind to him; but repeated my wish to hear
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from him on Saturday (being the next day), and told him, that as I probably should not have the pleasure of seeing him again, I thanked him for the civility of having seen me so often. About noon I saw Mr. Pitt ride through the Park, towards the Treasury; so that Mr. Rose might have shewn him my letter that day. Not having heard from Mr. Rose on the Saturday, nor on the Monday following, on Tuesday I advertised this publication.

I had been alarmed by such repeated slight convulsive attacks, more frequent than usual, as convinced me it would not be long before I should have a very smart one. This induced me to write the letter of the nineteenth to Mr. Rose. The circumstances of alarm still continued; and on the twenty-ninth, just as I had begun to copy this memorandum, I fell from my chair; the table that I was writing at was upset, and falling into the chimney before me, prevented my head from striking against a bath-stove. Some of the people of the house I lodge in, came into my room, and found me lying on the floor, almost senseless.—Drops were given me, and the lancet was applied.

After bleeding, I used to be pretty well for a fortnight or so; but this time bleeding had not that good effect. My head being almost incessantly giddy, I was obliged to be cupped yesterday; that operation has eased it a little, but not effectually.

The machine seems to be worn out, by anxiety, vexation, and disappointment. The Tree must fall!—I have not a wish to prop it, one hour, after
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the appearance of this publication. But I have a most ardent one, that in the next Session of Parliament, there may be a virtuous majority of the House of Commons, who shall think that I have fair claims on Government; and that I have a right to transfer them, as I hereby do, to my daughters, Mary and Louisa Sutherland.

JAMES SUTHERLAND.

5th August 1791.

APPENDIX.

A P P E N D I X.

No. I.

‘ Grecian Coffee-house, Temple,

‘ Friday Afternoon, 8th April 1785.

‘ MY LORD,

‘ **T**HE Memorial and papers which accompany
‘ this letter, I intended to have presented to
‘ His Majesty, after the Levee of to-day, had I not
‘ been informed, that as I am not a military man,
‘ I should have been irregular in attempting it
‘ then.—At the same time I was told, that there
‘ would not be a Drawing Room (and that was
‘ pointed out to me as the proper time for pre-
‘ senting the same to the King) until Thursday after
‘ next.

‘ There are circumstances in my situation, as well
‘ as in the nature of the case, that urge me not to
‘ neglect any means of getting the Memorial sub-
‘ mitted to the Royal consideration *as soon as possible*;
‘ and I am advised, that I am entitled to apply
‘ to Your Lordship, as His Majesty’s Secre-
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‘ tary of State for the Home Department, on this
‘ occasion.

‘ I therefore humbly request, My Lord, that you
‘ will do me the favor to lay that Memorial, and
‘ the three papers to which it refers, before the King,
‘ *as soon as it shall be in your Lordship’s convenience*
‘ *to do so.*

‘ And as the right of the subject to petition the
‘ Crown is nugatory, if it does not imply that he
‘ may look for a communication of the Royal
‘ pleasure on the matter of his application ; so, My
‘ Lord, I am led to solicit the good offices of the
‘ rest of His Majesty’s Cabinet Ministers, as I beg
‘ leave to do Your Lordship’s, that the Royal plea-
‘ sure may, in due time, be communicated to me on
‘ this occasion ; as it has been my misfortune not to
‘ have been able to obtain it on others, with which
‘ Your Lordship is so well acquainted.

‘ I have the honor to be, with the greatest respect,

‘ My Lord,

‘ Your Lordship’s most obedient,

‘ and most humble Servant,

‘ JAMES SUTHERLAND*.

‘ The Right Hon. Lord Sydney.’

* It is amazing that under the circumstances stated in this letter, and in those written to the other Cabinet Ministers, General Murray’s second Petition to the House of Commons, should, on the twentieth, (but one day before I went to the King with my Memorial), have been presented, and recommended by the Chancellor of the Exchequer, in His Majesty’s name, to the consideration of the House—for, “*to advise for the King’s Honor, and the good of the Public,*” is a part of the Oath of a Privy Counsellor !!!

The

The following is a Copy of a Letter sent to each of the Cabinet Ministers, varying only according to their several titles :

No. II.

‘ Grecian Coffee-house, Temple, Friday Evening, 8th April 1785.

‘ S I R,

‘ I HUMBLY request your permission to acquaint you, as one of the Members of His Majesty’s Cabinet Council, that I intended to have presented a Memorial to His Majesty, after the Levee of to-day, expressive, among other matters, of some grievances, that I, as an English subject, have sustained; had I not been informed, that as I am not a military man, I should have been irregular in attempting it then.

‘ As I was also told, that there would not be a Drawing-Room until Thursday after next; and as there are circumstances in my situation, as well as in the nature of the case, that urged me not to neglect any means of getting the Memorial submitted to the Royal consideration as soon as possible; and having been advised that I might apply to His Majesty’s Secretary of State for the Home Department, to lay it before the King; I have requested the favor of Lord Sydney to do so.

‘ And as the right of the subject to petition the Crown is nugatory, if it does not imply that he may look for a communication of the Royal plea-

‘ fure on the matter of his application ; and as it
‘ has been my misfortune not to have obtained it on
‘ former applications intended for the Royal con-
‘ sideration, though not immediately addressed to
‘ the King, I am led to solicit, with every degree
‘ of reverence for His Majesty, that the good offices
‘ of his Cabinet Ministers, operating with the Royal
‘ wisdom and justice of the King, may, in due
‘ time, afford me a communication of His Majes-
‘ ty’s pleasure upon the whole of my case, as prayed
‘ for in my said Memorial.

‘ I shall be extremely mortified, Sir, if I am irre-
‘ gular in addressing you on this occasion ; as I have
‘ not the least disposition to any intrusion inconsis-
‘ tent with the great respect that is so much your
‘ due :——With the fullest sentiments of which
‘ respect,

‘ I have the honor to be,

‘ S I R,

‘ Your most obedient, and

‘ most humble Servant,

‘ JAMES SUTHERLAND.

‘ The Right Hon. William Pitt.’

No. III.

‘ Grecian Coffee-house, Temple, 16th April 1785.

‘ MY LORD,

‘ ON the 8th instant, I had the honor to send
‘ Your Lordship a Memorial and three papers,
‘ which I requested might be laid before the King,
‘ as soon as it should be in Your Lordship’s convenience to do so.

‘ May I then, My Lord, beg the favor, that Your
‘ Lordship will condescend to inform me, whether
‘ that has been done? and when?

‘ I have the honor to be, most respectfully,

‘ My Lord,

‘ Your Lordship’s

‘ most obedient, and

‘ most humble Servant,

‘ JAMES SUTHERLAND.’

‘ The Right Hon. Lord Sydney.’

No. IV.

EXTRACT from, and Conclusion of, an Affidavit
made by JAMES SUTHERLAND junior, on the
12th of January 1784; the first part of which
Affidavit contains the detail of his journey from
London, in company with his father, and Mr.
William Whitelock, who was then established
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in trade at Mahon, to the time of their arrival at Nice, in October 1778, *viz.*

‘ THAT as soon as his father saw His Majesty’s Consul, he applied to know, whether, in consequence of a letter that he had previously written to him by post for that purpose, he had engaged any vessel to carry him to Minorca? The Consul (Mr. Birkbeck) told him that he had not been able to do so; but assured him, that he had no doubt of finding one in a day or two; on which his father expressed the utmost anxiety, and entreated that no means should be left untried to get one as soon as possible; indicating that his ideas were, that money should not be regarded on such occasions; which doctrine he had seen practised by his father, in more than one instance during their journey, when he apprehended that liberality would contribute to dispatch.— That after several disappointments, the Vice Consul, on whom Mr. Birkbeck seemed to rely in this business, and whose assistance his father daily solicited, freighted a very small vessel under Savoyard colors, to carry him to Minorca; and they sailed in her from Nice, between one and two o’clock in the morning of the 16th of October; his father having taken the precaution to get the public dispatches that he was carrying to General Murray, made up by the Captain of an English ship a few hours before, in a bundle resembling pieces of old cord-

‘ age ; and whatever other papers that he had by
‘ him, in which Minorca was mentioned, were also
‘ made up by that Captain, in a bundle of spun yarn,
‘ and the vessel had all her dispatches made out for
‘ Majorca. — That among other papers so in-
‘ tended to be concealed, was a letter from Mr.
‘ Birkbeck to General Murray, dated the 14th
‘ of October aforesaid ; purporting, that he pitied
‘ this deponent’s father ; for although he had moved
‘ (the letter says *removed*) heaven and earth to get
‘ a passage to Minorca, or even Majorca, he could
‘ not succeed till that day, when he had engaged to
‘ make the voyage *in a cockle-shell*. Which expres-
‘ sion, this deponent saith, did no more than justice
‘ to the constant anxiety that his father always
‘ shewed, and which he verily believes he really pos-
‘ sessed, of getting to Minorca with the utmost dis-
‘ patch : infomuch that, far from loitering at Nice,
‘ or in his way thither, he apparently made every
‘ exertion that man was capable of, to remove
‘ every difficulty that retarded his progress. And
‘ this deponent further saith, that on the back of
‘ the letter before mentioned, Mr. Birkbeck wrote
‘ the following words to the General : “ If you have
‘ at any time any material dispatches for England,
“ you cannot meet with a more proper person than
“ this Patron, if you make it worth his while to
“ to bring them hither, as he carries Sardinian co-
“ lours.” And this deponent also saith, that about
‘ eight o’clock the same morning that they sailed
‘ from

‘ from Nice, they were taken near the islands of St.
‘ Margarite, by an armed boat, belonging to one
‘ of three French xebecs, which lay at anchor within
‘ those islands, under the command of Le Chevalier
‘ de Montgrand; which boat being almost along
‘ side of their vessel before his father was told of it,
‘ he had not time to destroy the dispatches for
‘ General Murray, if he had even thought it necessary
‘ to have done so: But his father, relying on the
‘ protection of neutral colors, which he had been in-
‘ formed at Nice, were so extremely respected by
‘ France, that her cruisers, whenever a neutral ves-
‘ sel was brought to by any of them, immediately
‘ set her at liberty upon the production of the usual
‘ ship’s documents, and bills of lading, or charter
‘ parties, lay quietly and seemingly unconcerned in
‘ in his bed, not to create any suspicion that he had
‘ any thing to apprehend; and the two bundles of
‘ papers before mentioned, were thrown by the said
‘ William Whitelock upon the ballast, at a great
‘ distance from each other, under sails and old
‘ cordage, so as not to attract any attention:—That
‘ as soon as they were boarded by that boat, the
‘ officer commanding her, placed armed centinels
‘ at the cabin door, to confine his father; and hold-
‘ ing a paper in his hand, which the deponent after-
‘ wards found described their persons, he looked al-
‘ ternately at his father, and also at the said William
‘ Whitelock, and this deponent, and at that paper;
‘ and some of his men having been sent into the
‘ hold to rummage it, they returned upon the deck
‘ without

‘ without having found either of the said two bundles
‘ of papers.—That his father was then ordered to get
‘ up, to go on board the Commodore’s vessel; his
‘ trunk, round which he had put chains, as if they con-
‘ tained whatever he thought of consequence, having
‘ before been brought out of the hold; on which the
‘ search seemed to cease: But soon after that they had
‘ got there, their vessel being towed near the Commo-
‘ dore’s, he went in person on board her, with in-
‘ struments for turning up the ballast; and the
‘ search was renewed under his own eye, with such
‘ minuteness, that their and the seamen’s bedding,
‘ all the old sails, cordage, and every thing else,
‘ were brought upon deck, and looked into with a
‘ nicety that too plainly argued that some previous
‘ information had been given about them; and at
‘ last, both of the bundles of papers were found.—
‘ That after the Commodore had returned on board
‘ his own vessel, seeing his father prodigiously agi-
‘ tated and distressed at the misfortune of the disco-
‘ very of the papers, he very humanely read a paper
‘ describing his father’s person, his own, and the
‘ said William Whitelock’s; and in describing his
‘ father, the paper was so minute as to mention
‘ *that he sometimes wore a round or scratch wig*; on
‘ which his father observed to this deponent, that
‘ from that circumstance he was certain some infor-
‘ mation regarding him had been originally sent to
‘ France from Minorca, as he had not any such wig
‘ with him, or had worn any such since he left that
‘ island; and told him, that whenever they should

‘ get there, they would probably find the wig alluded
‘ to : and accordingly, when they afterwards got to
‘ Minorca, his father, without parting from him,
‘ led him into his dressing-room, where they found
‘ such wig.—That the Commodore also informed
‘ his father, that a description of their persons had
‘ been sent to the French cruisers that were stationed
‘ near Leghorn and Genoa ; and all of them had
‘ orders, as well as himself, to take him, let him
‘ be found on board of whatever neutral he might
‘ be ; and his father having told the Commodore,
‘ that as he sailed from Genoa, he observed that
‘ three Dutch men of war were at anchor there ;
‘ and asked, what would have been done if he had
‘ been met at sea on board one of them ? He
‘ answered, *Nothing but force should have protected*
‘ *him.* And this deponent saith, That the Commo-
‘ dore having sent them in one of the xebecs to
‘ Toulon, they were from thence sent prisoners
‘ under a signed parole to Aix in Provence ; and
‘ they remained there prisoners under such parole,
‘ until the 12th of November following, when, at
‘ about three o’clock in the morning, his father was
‘ seized on as a prisoner of State, and conveyed to
‘ Fort St. Nicholas, at Marseilles, whither this de-
‘ ponent voluntarily accompanied him, and remained
‘ there in confinement with him : That they were
‘ kept in close confinement until the nineteenth day
‘ of the same month, when they were permitted
‘ to take a little air, morning and evening, retired,
‘ on the top of the castle, with the officer of the
guard.—

‘ guard.—That the day after his father had been so
‘ imprisoned, he was menaced with a fit of the apo-
‘ plexy; but the officer of the guard luckily being
‘ near, he called one of his soldiers, who bled him
‘ in the critical minute; and he from that time be-
‘ came frequently subject to hysteric fits, and suf-
‘ fered extremely both in body and mind; and at
‘ length he was so emaciated, that when he was
‘ allowed to take an airing, as before mentioned,
‘ he was sometimes obliged to put his hands under
‘ his thigh, to raise his leg, in ascending the steps
‘ leading to the top of the castle.—That on or
‘ about the ninth day of December following, the
‘ Commandant of the Fort having permitted a phy-
‘ sician and two eminent surgeons to visit and hold a
‘ consultation about him, the result of their deliber-
‘ ations (setting forth the extreme danger that he
‘ was in, not only as to his health, but also as to
‘ his mental faculties; and declaring, that to pre-
‘ vent the evils threatening each, it was absolutely
‘ necessary that he should use free exercise on horse-
‘ back, and seek amusement, and dissipation) having
‘ been sent to Monsieur de Sartine, orders arrived in
‘ the evening of the 21st, from that Minister, to set
‘ him at liberty to return to Aix on his parole,
‘ which was accordingly done the next day. And
‘ this deponent saith, that between the time that
‘ such certificate was sent to Monsieur De Sartine
‘ and the arrival of the order for his being released,
‘ it was suggested to his father, that an application
‘ to Dr. Franklin at Paris might be useful in ob-
‘ taining

‘ taining his enlargement; and thereupon the de-
‘ ponent, by his father’s direction, did write him a
‘ letter, purposely calculated to get him to exert
‘ himself to serve him: notwithstanding which, the
‘ deponent is persuaded, and positively believes,
‘ that his father would not, to save his life, have held
‘ any treasonable correspondence with Dr. Franklin,
‘ or with any other person whatever; being invio-
‘ lably attached to his King and country, and to-
‘ tally disapproving of the opposition at that time
‘ made by the Americans to the Legislature of this
‘ country: And about the time that the deponent
‘ wrote such letter, he having read in the Courier
‘ de L’Europe, that it was said the twenty-fifth and
‘ other regiments were ordered to hold themselves in
‘ readiness to embark for America; either his father
‘ wrote, or he himself by his father’s direction
‘ wrote to his brother, who was an officer in the
‘ twenty-fifth, requiring him, by the duty and affec-
‘ tion which he owed a father, who was so ill as not
‘ to expect to see him again, *to make no distinction*
‘ *between the enemies of his country, and to exert him-*
‘ *self bravely against the Americans;* but when action
‘ should be over, and he could, consistent with
‘ honor do so, ever to be mindful of the claims of
‘ mercy and humanity, and always to avoid rapine
‘ and plunder,——And this deponent lastly saith,
‘ that his father, at all times, and once most so-
‘ lemnly, while they were in prison, and he thought
‘ his dissolution approaching, recommended to him
‘ to hold the love of his King and country as near
‘ his

‘ his heart, as he should the principles of his Religion
‘ —Truth—and Honor.’

No. V.

S I R,

Blackheath, 11th August 1784.

‘ I HAVE this moment seen, with astonishment,
‘ in a newspaper, that Gen. Murray has petitioned
‘ Parliament upon the subject of the judgment I
‘ obtained against him, for the illegal suspension of
‘ me from the office that I lately held, of Judge of
‘ the Admiralty at Minorca.

‘ After certain explanations that lately took
‘ place, I held it impossible that he should wish to
‘ take any retrospect of his conduct regarding me;
‘ and *my* sense of honor told me, that, much as I
‘ had to gain by such retrospect being taken, I ought
‘ not to go into it:——but now that he has led the
‘ way, I will chearfully not only follow him, but go
‘ further.

‘ My intention is, in the first place, to apply to
‘ Parliament for a copy of that Petition, and pray
‘ to be heard by counsel upon the subject matter of
‘ it.

‘ I would not trouble you, Sir, with this informa-
‘ tion, if, as the matter is a money business, I did
‘ not consider the application to you, as more pro-
‘ per than to any other of His Majesty’s Ministers;
‘ and

‘ and as applications to Parliament for relief in
‘ money matters, are not generally made before the
‘ the pulse of Administration has been felt on the
‘ subject, I beg leave, not only to express my hum-
‘ blest hopes that Ministers will not contribute to
‘ accelerate the business before I am so heard in Par-
‘ liament, but, as a British subject, unconnected
‘ with party, without friends or protection, and
‘ that has not any Member of Parliament of his ac-
‘ quaintance that he can ask to present his Petition
‘ to the House of Commons against General Mur-
‘ ray, (understanding it to be requisite that a Mem-
‘ ber should present it), to apply also to your
‘ justice and benevolence, to direct one of the Se-
‘ cretaries of the Treasury to introduce it to the
‘ House.

‘ I humbly beg forgiveness if there is any thing
‘ wrong in this application, *proceeding from an anxious*
‘ *heart, and written in a hurry, by a trembling hand:*
‘ —If there is, it does not correspond with the true
‘ sense I have of your exalted probity and merit,
‘ and the profound respect with which I have the
‘ honor to be, &c.

‘ JAMES SUTHERLAND.

‘ The Right Hon. William Pitt.’

No. VI.

SIR,

London, 2d August 1784.

I BEG that I may be forgiven for taking the liberty of inclosing you the Petition that I had the honor of acquainting you, in my letter of yesterday, I intended to present to Parliament. I have too much reason to apprehend, that unless I can get it introduced into the House of Commons through your justice and benignity, I cannot get it introduced at all; by which an injured British subject will be deprived of his natural and legal right, of not being condemned unheard, because he has not weight or connections to enable him to go through a mere matter of form regarding the House of Commons:—I supplicate your justice and your humanity to consider this seriously*.

Far from ever wishing to have any of my transactions concealed, I not only called upon General Murray in the public prints to produce my letter to Dr. Franklin, which he did not dare to do†; but

* A paragraph follows this in the original, which, as it regards a Member of a former administration, and is not necessary to be inserted, is therefore omitted here.

† *EXTRACT of a part of a Letter from me, addressed to General Murray, in Parker's General Advertiser of the 7th Nov. 1782.*

I do not mean to bestow any epithet on your having suspended me from my office, since the laws of my country, thank God! have at last put it into my power to lead that matter into a channel of investigation; and the verdict of an English Jury in the
action

‘ but I applied to Mr. Fox, when Secretary of State,
‘ requesting to have a copy of that letter, in order
‘ to its being laid before the King, with my explanations regarding it; and could that have been
‘ done, his Majesty’s justice could not have criminated me on the subject:—If there is any thing
‘ wrong in it, I still wish to be brought to trial and
‘ punishment for it.

‘ The letter not being to be found in Mr. Fox’s
‘ Office, Mr. Aust was sent by him to Lord North’s,
‘ to enquire after it there: And that gentleman assured me, that no such letter was to be found in
‘ Lord North’s Office!

‘ At last I prevailed on a friend, on the 11th of
‘ March last, to wait on General Murray, to demand,
‘ action I have brought against you, will, at the same time, put a
‘ stamp upon that act, and my character; so far as comes within
‘ the compass of what you may choose to allege against me: But
‘ as there is one thing, which, though it has been made use of to
‘ wound me secretly, I fear you will not bring forth into light at
‘ the trial; that apprehension has led me thus to address you.
‘ Your perception, I am confident, anticipates my explaining, that
‘ I mean the letter, which, while I was a state prisoner to France,
‘ in Fort St. Nicholas at Marfeilles, in consequence of services that
‘ I had rendered my King and country, I sent to Dr. Franklin at
‘ Paris, at the time that I was reduced to the last extremity, in-
‘ closing a copy of a certificate signed by a physician and two
‘ surgeons, shewing the dangerous state of my health and mental
‘ faculties; and, though not acquainted with him, soliciting him
‘ to feel for my sufferings, and to use his interest to get me re-
‘ leased; as I alleged, that I had not done any thing regarding
‘ France that was inconsistent with the laws of nations: so that
‘ she, consequently, was not authorised by those laws in keeping
‘ me a prisoner. I therefore call upon you to lay a copy of that
‘ letter, and every thing you may have asserted to criminate me as
‘ the author of it, before the public.’

‘ as a man of honor should do, explanations on
 ‘ certain points of his accusations against me, (which
 ‘ accusations have ever been concealed in the Secre-
 ‘ tary of State’s Office, so far as to deprive me of a
 ‘ copy of them); and particularly regarding that
 ‘ letter to Dr. Franklin, which was written when
 ‘ I was a state prisoner in France, for services I had
 ‘ done my country; and it was written, not when I
 ‘ was first taken up, but at the time that, after a
 ‘ long imprisonment, I was near expiring. And the
 ‘ General did declare to my friend, that he did not
 ‘ mean to convey any idea that I had held any cor-
 ‘ respondence of a criminal nature; and admitted,
 ‘ that the particular circumstances and situation
 ‘ which occasioned my said letter to Dr. Franklin,
 ‘ rendered it justifiable: and also declared, that he
 ‘ never meant to convey, or did convey, any idea
 ‘ of criminality in me on the subject.

‘ *Of this declaration, I can give evidence in the*
 ‘ *House of Commons.*

‘ For God’s sake, then, Sir, and for the honor of
 ‘ his Majesty’s government, let not a stamp of infamy
 ‘ be put on my character unheard, as will be the
 ‘ case if the General’s petition passes in the House
 ‘ in the manner that has been attempted at this pe-
 ‘ riod of the Session.—*I wish it fairly to be heard,*
 ‘ *and to have it investigated in a full House*.*

‘ I have the honor to be, &c.

‘ JAMES SUTHERLAND.’

‘ Right Hon. William Pitt.’

* I left this letter myself (as I had done the preceding one)
 P with

No. VII.

‘ SIR,

Blackheath, 16th August 1784.

‘ A THIRD letter from me, is a thing that I would
 ‘ not by any means presume to address to you, if
 ‘ the Petition to the House of Commons, which I
 ‘ inclosed in my second letter, did not contain
 ‘ those words, *viz.* “ That your Petitioner ob-
 ‘ serves by the votes;” in the introductory part of
 ‘ it.

‘ That introduction proceeded from the know-
 ‘ ledge that the Gentleman who reduced my Peti-
 ‘ tion into the usual form, had of the votes.—I
 ‘ had not at that time seen them.

‘ The object nearest my heart, in presenting the
 ‘ Memorial to Lord Sydney, of which I now have
 ‘ the honor to inclose you a copy, *was to acquire a*
 ‘ *knowledge of what the King’s sentiments were of me.*

‘ On the 21st of last month, I was assured from
 ‘ authority at his Lordship’s Office, that a letter
 ‘ would that day be sent from thence to the Trea-
 ‘ sury, accompanied with such part of my Memo-
 ‘ rial as related to that department; and that the

with Mr. Pitt’s porter, on being told that that Minister was not
 at home: and I returned to enquire for him again in about an
 hour; when, receiving the same answer, I left my name on a
 card, indicating that I should wait his commands at the Parlia-
 ment-street Coffee-house, until it would be time for me to go to
 the House of Commons.—All this produced nothing from Mr.
 Pitt!

‘ other

‘ other parts of it would be taken into serious con-
 ‘ sideration as soon as possible.

‘ Relying on this assurance, and not wishing im-
 ‘ pertinently to press Administration about myself,
 ‘ when I knew they had so many matters of extreme
 ‘ moment to take up their attention, I remained
 ‘ quiet and easy in my mind; never suspecting, that
 ‘ without further notice being taken of my Memo-
 ‘ rial, it was possible that the King should com-
 ‘ mand you to acquaint the House of Commons,
 ‘ (as I have since seen by the votes), that His Ma-
 ‘ jesty, having been informed of the contents of Ge-
 ‘ neral Murray’s petition, recommended it to the
 ‘ consideration of the House.

[A few lines that are in the original are omitted
 here, as they regard two Members of a former
 Administration, and are immaterial.]

‘ With every sentiment of deference and great
 ‘ consideration,

‘ I have the honor to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Hon. William Pitt.’

No. VIII.

‘ MY LORD,

Blackheath, 3d Sept. 1784.

‘ TO enable me to frame an humble remonstrance
 ‘ to the King; dutiful, respectful, and humble in
 ‘ reality with respect to His Majesty; to maintain

' whose rights against faction, enthusiasts, republi-
 ' cans, and every opposer of his legal prerogative,
 ' I shall ever be as ready to raise my arm, as my
 ' father did his, in support of the crown in the
 ' year 1715 †; but as firm and strong with regard
 ' to those by whom I have been injured, as the
 ' opinion of the counsel, to whose inspection it will
 ' be submitted, shall think justifiable, on the sub-
 ' ject of my grievances to be particularly stated
 ' therein: I find it necessary to solicit your Lord-
 ' ship to direct that I may be furnished with copies
 ' of every paper that is mentioned in the schedule
 ' hereunto annexed.

' I have the honor to be, &c.

' JAMES SUTHERLAND.'

' The Right Hon. Lord Sydney.'

' *Schedule of Papers alluded to in the above letter :*

' Copy of General Murray's instructions as Go-
 ' vernor of Minorca ;——Copy of a letter written
 ' by General Murray to Lord Weymouth in May
 ' 1777, covering two memorials regarding me;
 ' ——Copies of every letter written by General
 ' Murray to Lord Hillsborough, assigning his rea-
 ' sons for suspending me, or laying any charge
 ' against me ;——Copy of the paper that the Ge-
 ' neral transmitted to his Lordship, in order to


† ☞ These expressions proceeded from something that had
 appeared in the newspapers in the name of L—d G——e G——n
 about this time.

' my

‘ my signing of it before I should be allowed to re-
‘ turn to Minorca; and Copy of his letter to his
‘ Lordship on that occasion;—Full extracts of
‘ such parts of every letter that was written by his
‘ Lordship to the General as relate to me.

‘ A letter written by Mr. Ximenes, as syndic or
‘ agent for the Minorquins, to his Lordship, rela-
‘ tive to a petition or memorial from the Clergy,
‘ which he was directed to deliver to Lord Hills-
‘ borough in person; but who, *I understand*, refused
‘ to admit him to his presence.

‘ Copy of that petition or memorial: And copies
‘ of the *letters* stated in the General’s petition to the
‘ House of Commons, *to be in the Secretary of State’s*
‘ *Office*, containing my *secret* correspondence with
‘ Dr. Franklin †.’

†  To the foregoing letter I received the following answer :

“ SIR,

Whitehall, 14th Sept. 1784.

“ I have received your letter of the 3d inst. de-
“ siring to be furnished with the copies of sundry
“ papers, mentioned in a schedule, which are depo-
“ sited in my Office, to enable you to frame an
“ humble remonstrance to the King, on the subject
“ of your grievances, to be particularly stated
“ therein.

“ I am sorry, Sir, to be under the necessity of
“ refusing a compliance with your desire upon this
“ occasion,

“ occasion, as it hath been my constant rule never
 “ to deliver any copies of the correspondence or
 “ other papers in my Office, except in cases where
 “ such copies have been called for by Parliament.


“ Having every reason to suppose that you can
 “ have no further use for the papers you have de-
 “ fired, than for elucidating your remonstrance to
 “ the King, I shall be prepared to lay them be-
 “ fore His Majesty, if he should think them ne-
 “ cessary for his perusal, whenever I may receive
 “ his Royal commands for that purpose †.

“ The Petition which you left at my Office some
 “ time ago, was laid by me before the King.

“ I am, &c.

“ SYDNEY.”

“ James Sutherland, Esq.”

†  This letter was delivered to me on the 16th of September, at Lord Sydney's Office:—Mr. Nepean told me that Captain Sutton's having obtained a copy of Commodore Johnstone's letter *regarding him*, was not to be considered as a deviation from the rule that Lord Sydney had laid down; *for a part of that letter had before appeared in the Gazette!*

So *part* of a letter having appeared in a Gazette, was a sufficient reason for granting a copy of the whole to Captain Sutton; while General Murray's agent (for it was done on his application, *the usual motion for the Committee's being empowered to send for persons, papers, and records, not having been made*) gets papers produced from Lord Sydney's Office, to a Committee of the House of Commons, before which my character is traduced;—those papers are minuted in the proceedings of the Committee; and it is held fair, and consistent with official rule, to refuse *me* a copy of any, and every, one of them!!!

No. IX.

‘ MY LORD,

Blackheath, 1st October, 1784.

‘ I SHOULD have troubled you with this letter
‘ much sooner, in consequence of that with which
‘ I have been honored from your Lordship, dated
‘ the 14th ultimo, had I found it a less difficult
‘ task than I do, to convey my sentiments concern-
‘ ing it, in terms proportioned to the very high de-
‘ gree of deference which I am so much disposed
‘ to feel for every thing proceeding from your
‘ Lordship; at the same time, that I cannot entirely
‘ recede from my claim for the copies of papers
‘ that I had applied for.

‘ That such of them as I held to be necessary
‘ for the vindication of my character to my Sove-
‘ reign, in order to induce the Royal Goodness to
‘ do that act of justice which the King only has
‘ the power of doing, namely, *to take off the stigma*
‘ *stamped on me, in the votes of the House of Commons,*
‘ *by the message which His Majesty sent on the ninth of*
‘ *August last, recommending a Petition to the considera-*
‘ *tion of the House, in which General Murray charged*
‘ *me with High Treason:* I say, my Lord, that co-
‘ pies of such papers as those would not have been
‘ refused me, I firmly believed; not only from the
‘ conviction I felt, that, on the principles of natural
‘ justice, I had a right to them; but from an act
‘ which did so much honor to Lord Shelburne’s ad-
‘ ministration,

‘ ministration, and to your Lordship in particular :
‘ ———I mean the additional instruction to the Go-
‘ vernor of Jamaica, regarding the Judges of that
‘ island.

‘ If I was warranted to entertain such an idea
‘ from the spirit of that instruction, judge, my
‘ Lord, what sensations of vexation and disappoint-
‘ ment I must have undergone, on finding such
‘ copies refused me ! The surprize I felt on the
‘ occasion was never equalled, except when I found
‘ that the King had sent that message to the House
‘ of Commons, while your Lordship was possessed
‘ of a Memorial of mine, soliciting that I and my
‘ case might be laid at His Majesty’s feet ; a copy
‘ of such part of which Memorial as related to
‘ the Treasury department, I was on the 21st day
‘ of July assured at your Lordship’s Office, would
‘ that day be sent from thence, with a letter to
‘ the Treasury ; and that the other parts of it would
‘ be taken into serious consideration as soon as
‘ possible !

‘ Of that memorial I heard no more, until your
‘ Lordship, in your letter before-mentioned, in-
‘ formed me that it had been laid before the King :
‘ —Having received that information, I am to
‘ presume, that whenever the Royal Pleasure is de-
‘ termined upon it, your Lordship will commu-
‘ nicate it to me.

‘ I have read, my Lord, the votes of the day
‘ on which General Murray’s Petition was intro-
‘ duced into the House of Commons, and referred

‘ to a committee; in which I do not find any indication of an application from Parliament, in order to the production of any papers whatever: Yet Mr. Brietzeke did attend the committee, and did produce such papers from your Lordship’s Office as the General wanted; and among others, to my extreme astonishment, the very letter that I sent to Dr. Franklin, while I was a state prisoner to France, and which I had been repeatedly told was not in the Office!

‘ Let me then entreat you, my Lord, to consider, whether I am, or am not, entitled to have, *at least*, copies of the papers, that have been so produced before a Committee of the House of Commons, in which proceedings were carried on tending to dishonor me?

‘ Lord Hillsborough had long ago been examined upon interrogatories exhibited in a court of justice on the General’s behalf, regarding one of those papers; and yet a copy, *even of that paper*, is withheld from me!

‘ I am unhappy, my Lord, that you have supposed that I can have no further use for the papers I applied for in my letter of the third ult. than for elucidating my intended remonstrance to the King; for I meant to have conveyed the idea to your Lordship, that it was “*to enable me to frame,*” not to elucidate it, that I wanted them: —I certainly do not mean to confine myself to my own justification; but do mean to go further in such remonstrance.

Q

‘ But

‘ But even supposing that I could have no other
‘ use for the papers than to elucidate the remon-
‘ strance, how is it possible for me, my Lord, to
‘ refer to them, or to quote any particular parts of
‘ them, in order to such elucidation, while I am
‘ kept in total ignorance of them ?

‘ In some offices, and with some of the King’s
‘ ministers and officers, I have found different ideas
‘ prevail, at different times, and with different
‘ men, as to the propriety of granting or withhold-
‘ ing papers : But, until the tenth of last month,
‘ I never met with a refusal of papers, *under any*
‘ *administration whatever*, at the Council Office.
‘ On that day I was told by Mr. Fawkener, in an-
‘ swer to a letter that I had written to Mr. Cottrell,
‘ requesting to be favored with certain papers,
“ that he had laid my letter before a Committee of
“ the Privy Council, and was directed to acquaint
“ me, that my request, or any part of it, could
“ not be complied with ; and that the granting
“ copies of papers was for the information of the
“ parties concerned, in matters before the Council,
“ while such matters were depending !”

‘ In contradiction to this, to me seemingly novel
‘ doctrine, I have the experience of *twenty years* ;
‘ in which I have been in the habit of obtaining a
‘ variety of papers from that Office, regarding mat-
‘ ters that were not depending before the Council
‘ at the time I applied for them, and in which I
‘ was not a party.—I have copies of two in my
‘ custody, that I obtained since I was suspended by
‘ General

‘ General Murray : The first is an Order of Coun-
‘ cil, dated the 26th day of August 1755, in the
‘ case of Dr. Gabriel Olivar and General Blake-
‘ ney ; and the second is the Additional Instruc-
‘ tion to the Governor of Jamaica, before-men-
‘ tioned, approved in Council on the 9th Janu-
‘ ary 1782.

‘ When I applied for a copy of this last-men-
‘ tioned paper, I was desired to express in writing
‘ the use for which I wanted it, in order to inform
‘ the then Lord President, Lord Cambden, of it :
‘ —I did so ; stating, that I thought I might have
‘ occasion to give it in evidence, in the cause then
‘ depending between me and General Murray :
‘ Under this statement I obtained the copy. I sent
‘ a person to the Office on the 23d February 1783,
‘ to compare those two papers with the original en-
‘ tries of them, in order to their being given in
‘ evidence ; and he was allowed to do so.

‘ Sir Thomas Davenport, who was General Mur-
‘ ray’s leading Counsel, thought proper to mention
‘ the Council at the trial, and went far and boldly
‘ into the subject, *more so than I choose to do.*—In
‘ handing your Lordship such part of his speech
‘ as I think it decent to quote on this occasion, as
‘ taken down by the short-hand writer, and ex-
‘ pressed in the thirteenth page of the printed trial,
‘ I beg to be understood as only pointing out the
‘ sentiments of a great lawyer, and as by no means
‘ conveying my own, which, perhaps, do not absolute-
‘ ly tally with his, viz. “ The Judge of the Admiral-

“ ty is certainly accountable to the Governor; and the
 “ Governor is accountable to His Majesty and His
 “ Council; *and the Public have a right to see if there*
 “ *is any misconduct by the Council* *.”

‘ At

* The following are the additional words that I did not think proper to state to Lord Sydney, viz. “ *and his Majesty himself; —it would be an object of enquiry by the Legislature, and would no doubt be enquired into, if they saw any misconduct there—there cannot be a doubt of it.*” —In insinuating to Lord Sydney, that my sentiments did not absolutely tally with those of the learned advocate, my mind was not impressed with any idea, that the constitution had not vested the legislature with the superintending power which he described. That I could not be heard upon a Petition to the House of Commons, of which I previously sent printed copies to most of the Members, with the following apology † for having done so, may create astonishment *in another age*, should the fact be recorded!

“ † Mr. Sutherland holds it necessary to apologize to every Member
 “ of the House of Commons that shall receive a printed copy of his Petition, for intruding it on him before the original has been presented to
 “ that Honorable House, by pointing out the necessity he is under of
 “ adopting such a measure.

“ He found it impossible last session to get a petition of a similar nature
 “ in part read and investigated there: He does not know any Member
 “ of Parliament that he thinks he is authorized to call on, to introduce
 “ and support his present petition to its investigation, in any other sense
 “ *than as an injured British subject, who has not a wish nearer his heart*
 “ *than to meet with punishment, if he shall be found to deserve it; and*
 “ *who considers it not less the office of the legislature to protect than to*
 “ *punish, wherever the one or the other is merited.*

“ In those points of view he thinks he might indiscriminately call on
 “ the justice of every Member of Parliament:—yet motives of delicacy,
 “ not disrespect, have determined him not to send copies of his petition
 “ to such of them as he knows are friends of General Murray, or of his
 “ connections. But as for the want of the knowledge of every one that
 “ is so, copies may be sent to some of them, he hopes it will be believed
 “ that no offence is meant to be offered them. And to those Members
 “ that have been of his own acquaintance, he begs leave to say, that it
 “ is not, in the least, presuming on that acquaintance, that he has sent
 “ them copies.

“ Unless

‘ At the Judge Advocate General’s Office, I
‘ found no difficulty in obtaining a copy of a paper
‘ that I applied for to Sir Charles Gould, on the
‘ first of May 1783:—I not only obtained a copy
‘ of it, but the person sent by me on the 22d of
‘ July following for that purpose, was allowed to
‘ compare it with the original entry in that Office.
‘ I have the honor to inclose a copy of that letter,
‘ that your Lordship may see the manner in which
‘ I applied for the paper, and why I wanted it.

‘ The General, on the 11th of March last, hav-
‘ ing satisfactorily done away any thing that might
‘ be construed to be injurious to me in such paper,
‘ my ideas of honor made me consider myself as re-
‘ strained from going into further proceedings on
‘ that matter: But the infamous attack by him
‘ since made on my honor and reputation, has un-
‘ fettered me; and holding myself free to do so, I
‘ will make it a part of my intended humble re-
‘ monstrance to the King; so as to take off the
‘ false colorings and shades which he threw over
‘ the transaction regarding auctioneers fees, at his

“ Unless some other unexpected means of getting it presented shall
“ occur, he intends, on Friday the 28th inst. to attend in the lobby of the
“ House of Commons, with his petition in his hand: His wish, that the
“ Members may be previously apprized of the nature of it, so as to in-
“ duce some Member then to receive and present it to the House, is the
“ cause of this intrusion.

“ It will depend upon the reception and investigation which the petition
“ shall meet with, to determine, whether, in this case, one shall be esta-
“ blished, wherein, contrary to the ideas of every writer on our constitu-
“ tion, a British subject can receive an injury, for which he can no
“ where find redress.

“ *Blackbeath, 19th January 1785.*”

‘ COURT-

‘ court-martial; and which, perhaps, contributed
‘ to that lenity shewn him by His Majesty on that
‘ head.

‘ I have gone into something like a digression,
‘ my Lord:—But it is meant to a tendency of
‘ illustrating the propriety of my claim for papers.
‘ I will not trouble your Lordship any longer, than
‘ to repeat the request contained in my letter of
‘ the 3d ult. before-mentioned; and to add, that
‘ if your Lordship still has an objection to letting
‘ me have any papers that did not appear in the
‘ Committee, I may have a full communication of
‘ every one that was produced there, and copies
‘ and extracts of such of them as I stand in need
‘ of.—Had I known, in time, that they were so
‘ produced, I had a short road to get at them:
‘ For, by the usage and custom in parliamentary
‘ proceedings, it was the duty of the Clerk of the
‘ Committee to have furnished me with copies of
‘ every paper that he had in his possession, on my
‘ demanding them.—I ultimately beg leave to re-
‘ quest, with great deference for your Lordship,
‘ that if you, my Lord, contrary to my expecta-
‘ tions, shall feel any difficulty in determining
‘ herein favourably to my wishes, your Lordship
‘ will be pleased to lay this letter before the King;
‘ and that I may be informed of His Majesty’s
‘ Royal Will thereupon.

‘ I have honor to be, &c.

JAMES SUTHERLAND.

‘ The Right Hon. Lord Sydney.’

No. X.

No. X.

‘ SIR,

Blackheath, 27th November 1784.

‘ HAVING applied by letter on the third of September to Mr. Rose, requesting that he would move the Lords of the Treasury that I might be furnished with a copy of the Memorial which General Murray, in his Petition to the House of Commons, mentioned his having presented to His Majesty; and a copy of the Reference made thereof to the late Board of Treasury; and also a copy of the Treasury Minute thereupon; I have been shewn a Minute of the 25th of October, importing, that that letter having been laid before the Board, their Lordships were of opinion, that my request could not be complied with.

‘ I had, on the same day that I applied to Mr. Rose, made another application to Lord Sydney, regarding papers in his department; and although his Lordship, in a letter with which he honored me in answer to it, indicated that he was under a necessity of refusing a compliance with my desire, as it had been his constant rule, never to deliver any copies of the correspondence *or other papers* in his Office, except in cases where such copies have been called for in Parliament, I could not avoid addressing another letter to his Lordship, on the first of October aforesaid, stating, in terms as most

‘ dest

‘ dest as they were meant to be expressive of that
‘ respect which I felt, and still profess for Lord Syd-
‘ ney, that I could not totally recede from my claim;
‘ but that if his Lordship still had any objection to
‘ letting me have any papers that did not appear in
‘ the Committee, (meaning the Committee that sat
‘ on General Murray’s Petition, assailing my honor
‘ and reputation; which Petition, by a manœuvre
‘ of his friends in the House of Commons, was
‘ allowed to be withdrawn, after having been sent
‘ forth into the world in the votes of the House,
‘ so as to prevent mine being introduced or read *,
‘ although I had firmly relied on its appearing also
‘ in the votes), I might have a full communication
‘ of every one that was produced there, and copies
‘ and extracts of such of them as I stood in need of.
‘ And I did request, with great deference to his
‘ Lordship, that if he should feel any difficulty in
‘ determining favorably to my wishes, he would be
‘ pleased to lay that letter before the King; and that
‘ I might be informed of His Majesty’s Royal Will
‘ thereupon.

* Persuaded that such a manœuvre would be played off, I told the gentleman who accepted of my Petition to the House, of my suspicions; and I did every thing I possibly could to prevail on him to move for leave to bring it up, as soon as the House proceeded to business.—It was suggested, however, from another quarter, to wait till Mr. Pitt should come down to the House. As soon as the Minister arrived, General Murray’s friend moved for leave to withdraw his Petition: and this was granted, although the proceedings on it had been carried to that length that the report was to have been brought up that afternoon!

‘ Mr. Nepean had assured me, that I should have
‘ a written answer to my letter ; but, last Thursday,
‘ Lord Sydney did me the honor of seeing me him-
‘ self, and gave me to comprehend that I was not
‘ to have one ; and having given me the same rea-
‘ sons that he had assigned before for the refusal of
‘ papers, indicated that my letters had been laid
‘ before the King, *and that his Lordship could not*
‘ *give me any answer as to His Majesty’s pleasure*
‘ *thereon* : So that I am absolutely refused a copy,
‘ and communication, of any paper whatsoever ;
‘ *even of my own letter to Dr. Franklin !*

‘ Had the papers remained with the Clerk of the
‘ Committee, it would have been his duty to have
‘ furnished me with copies of every paper that was
‘ in his possession, on my demanding them.

‘ I appeal, Sir, to your knowledge of the usage
‘ and custom in parliamentary proceedings, as to
‘ the truth of this assertion—I have a proof of it
‘ in my custody, having been furnished by the Clerk
‘ with a copy of that very minute which my appli-
‘ cation to Mr. Rose could not procure me.

‘ And I beg leave, Sir, to appeal to your (once
‘ professional) knowledge in the jurisprudence of
‘ this country, to determine whether I am unjustifi-
‘ able in soliciting a revision to be had of the Trea-
‘ sury proceedings on my aforesaid letter to Mr.
‘ Rose ; and in hoping, that having, as I have just
‘ observed, obtained a knowledge of the Minute of
‘ the late Board of Treasury, from the Clerk of the
‘ Committee (of which Minute I have the honor to

R

‘ inclose

‘ inclose a transcript *), I may be furnished with a
 ‘ copy of General Murray’s Petition to the King
 ‘ stated in it, to be transmitted to the Board by
 ‘ Lord North, and of whatever his Lordship wrote
 ‘ upon the occasion †.

‘ In the first letter that I had the honor of writing
 ‘ to you, Sir, I applied *as a British subject, unconnected*
 ‘ *with party, without friends or protection, and that*
 ‘ *had not any Member of Parliament of his acquaintance*
 ‘ *that he could ask to present his Petition to the House of*

* Treasury Minute, 15th December 1783.

P R E S E N T :

Lord John Cavendish,
 Mr. Montague,
 Sir Grey Cooper.

My Lords, take into consideration a Petition *to the King* from General Murray, late Governor of Minorca, transmitted to the Board by Lord North; praying to be relieved from judgment awarded against him at the suit of Mr. Sutherland, late Judge of the Vice Admiralty Court in Minorca: Also the opinion of the late Attorney General on General Murray’s case; wherein he states, *that it is not adviseable to seek further relief at law* §. And *His Majesty* having graciously accepted the General’s prayer for relief,

My Lords, direct the Solicitor to ascertain what the amount of the judgment and the General’s legal costs is, and to lay the same before the Board: And my Lords will then issue money to him for the discharge thereof.

† Two paragraphs that follow this, in the original, are omitted here, as unnecessary to be inserted; they regarding a Member of a former administration.

§ Would the Attorney General have given this opinion, if *any part of* my conduct had been such as to have justified the suspension of me from my office?

‘ Commons :

‘ *Commons* :—Such I am; and, as such, I think I
 ‘ am in possession of a more powerful recommenda-
 ‘ tion to a Minister of your character, for obtaining
 ‘ what I now apply for, (in order that I may not be
 ‘ groping in the dark for circumstances, the misre-
 ‘ presentation of which induced His Majesty to
 ‘ approve of General Murray’s prayer for relief;
 ‘ which the King’s justice would never have done,
 ‘ had he been truly informed on the subject), than if
 ‘ I were a man, *backed by all the parliamentary and*
 ‘ *East Indian weight of such families as the Johnstones,*
 ‘ *and the General’s other friends* *.

‘ I have the honor to be, &c.

‘ JAMES SUTHERLAND †.’

‘ Right Hon. William Pitt.’

* In the original, a paragraph follows this, which is omitted as immaterial, since it regards a Member of a former administration.

† This letter I delivered to Mr. Pitt’s porter, and enquired whether his master was at home? and being answered, No! I enquired whether Mr. Prettyman was there?—Whether he had any fixed hour for coming to Downing-Street?—And whether the porter could tell me at what time there might be a probability of finding him there?

To all these enquiries I received no other answer, than, No!

I went every day, and sometimes twice or three times in a day, to enquire for Mr. Pitt, or Dr. Prettyman, at Mr. Pitt’s house; and was constantly told that neither of them was there.

At last I wrote Dr. Prettyman a letter, of which the following is a copy:

‘ S I R,

3d Dec. 1784.

‘ I have done myself the honor of waiting on you, in order to enquire whether it is in your power to inform me of Mr. Pitt’s

R 2

‘ determi-

No. XI.

‘ MY LORD,

‘ Mahon, 17th June 1779.

‘ WHEN I had the honor of writing to your Lordship on the eleventh of March, about Mr. Soyris, I meant at the same time to have represented the hard treatment that I met with from General Murray since my return from France, instead of the consolation that I expected for what I had suffered there: but the distresses of my mind, and my weak nerves, deprived me of the power to execute so disagreeable a task.—I have attempted it since more than once, but with so much reluctance that I could not go on:—For, as my friendship

‘ determination on my letter to him of Saturday last?—or whether Mr. Pitt may choose to signify it to me himself? And I will beg leave to return on Monday next, on the same occasion.

‘ I am, SIR,

‘ Your most obedient humble servant,

‘ JAMES SUTHERLAND.’

‘ The Rev. Dr. Prettyman.’

I returned at the time indicated in my letter; and Mr. Pitt’s porter informed me, that Dr. Prettyman had desired him to tell me, that Mr. Pitt had not yet had time to look at my papers.

I let five or six days pass over before I returned to make my enquiries in Downing Street.—I then repeated them every day in the same manner as, and with no better success than, before.—At length, tired out by this treatment, after having gone there in the morning of the 16th of December, I returned after noon the same day, and holding a paper in my hand, on which the words were written, desired the porter to tell his master, “that having been there so often, I thought my coming any more would be useless, unless I should be sent for.”

This indication produced no more than my other applications had done!

‘ and

‘ and regard for the General had been so great
‘ before I went to England, that he could always
‘ command me in every thing that was not contrary
‘ to the dictates of my conscience and my honor,
‘ I could not easily curb those feelings for him:
‘ yet, after weighing all circumstances, I concluded
‘ that it would be dishonorable for me to be silent;
‘ and therefore your Lordship would have been
‘ troubled with this letter earlier, if any mail had
‘ been made up at the Post-office since the packet
‘ failed last for Leghorn.

‘ When I engaged Mr. Soyris, by the General’s
‘ order, to go to France; it was upon the express
‘ condition that nobody should know any thing of
‘ his being employed, but the General, Mr. Soyris,
‘ and myself; and that his hand-writing was not to
‘ be seen by any body, but the General and me.

‘ In consequence, the first intelligence he sent me
‘ from France, I carried to the General; who, hav-
‘ ing read it, returned the original to me, and de-
‘ sired me to make an extract from it, and give it
‘ to him; from which extract any copy that might
‘ be sent to your Lordship should be made; and I
‘ did make such extract, and deliver it to the Gene-
‘ ral: But when I carried him the second intelli-
‘ gence from Mr. Soyris, he kept the original, never
‘ returned it to me, nor did I ever make any ex-
‘ tract from it.

‘ While Mr. Soyris was in France, the General
‘ interested himself very extraordinarily about a
‘ Roman Nobleman, the Marquis Orfini, who had
‘ come]

‘ come here in consequence of connections that he
‘ had had in trade, with Mr. Francis Segui, the son
‘ of the Civil Assessor in this island.—This Noble-
‘ man alledged, that he was half owner of a vessel
‘ for which a Mediterranean pass had been granted
‘ upon the oath of Mr. Segui, as his sole property.
‘ —This pass, after having been made use of, was
‘ returned into the Secretary’s Office, and the bond
‘ that had been entered into by Mr. Segui’s securi-
‘ ties on issuing the pass, *was cancelled, by tearing off*
‘ *their seals and signatures.*—Upon this very bond
‘ *so cancelled*, the General ordered his secretary to
‘ sue the persons that had signed it, for the penalty
‘ mentioned in it.—This cause was tried before
‘ me; and I determined, that the securities were not
‘ liable to the penalty.

‘ When I waited on the General with my sentence,
‘ he was extremely displeased;—ordered an appeal
‘ to be made from it;—menaced me with a com-
‘ plaint, and that my conduct should be laid before
‘ the Privy Council, with the appeal: To all this
‘ he added so singular a mark of his resentment,
‘ that I required the fullest evidence of my senses to
‘ be certain of it.

‘ From this moment, I constantly met with marks
‘ of disgust from the General; and I was soon for-
‘ bid his house, though I had not attempted going
‘ there.

‘ Shortly after this, Mr. Soyris returned from
‘ France in the packet, when she escaped from Mar-
‘ seilles on the appearance of hostilities; and the
‘ General,

‘ General, the next morning, sent one of his family
‘ desiring him to come to him.—This circum-
‘ stance *added* to the suspicions that already pre-
‘ vailed here, that he had been sent to France as a
‘ spy; and I humbly presume, that though the
‘ General was offended with me, on such a nice
‘ occasion as this, he ought not to have sent for Mr.
‘ Soyris; but that the intelligence should have been
‘ conveyed to him in writing through me, if he did
‘ not choose to see me.—At the return of the
‘ packet from her first voyage to Leghorn, a Corsi-
‘ can Gentleman came passenger in her; and it was
‘ soon after reported, and in the mouth of every
‘ body, that the General expected a thousand Cor-
‘ sicans to reinforce the garrison.—On seeing the
‘ vast preparations that His Excellency made for a
‘ siege, I was led to believe that he must have got
‘ better intelligence than had been procured by Mr.
‘ Soyris; and therefore, as our garrison was weak,
‘ and the General was stimulating people of all de-
‘ nominations to serve His Majesty, I, (though
‘ fighting is not my profession, desirous to set an
‘ example, and to encourage others, wrote the Ge-
‘ neral a letter, offering my services in the Fort, in
‘ any character where *my arm* and my small abilities
‘ should be held most useful: and I had applied to
‘ the Commanding Officer of the fifty-first regiment,
‘ to be allowed to do duty as a common soldier,
‘ with the grenadiers of his corps.—The General
‘ chose to decline my offer; and I had the mortifi-
‘ cation to find, that I was the only man in the
‘ whole

‘ whole island that was refused.—I felt this the
‘ more sensibly, as, while Mr. Soyris was in France,
‘ and before I had given sentence regarding the
‘ bond before mentioned, the General had assured
‘ me, that, in case of an attack from France, he
‘ would employ me honorably, and near his person.

‘ After this, and that the idea of a siege had blown
‘ over, thinking it right to guard against the effects
‘ of the General’s menaces and resentment, I deter-
‘ mined to go to England. When this came to be
‘ known, insinuations were made to me, that the
‘ appeal from my sentence would not be prosecuted!
‘ To which I answered, that that was a matter of
‘ great indifference to me; and that I was resolved
‘ to go to England, to shew that I had nothing to
‘ fear; and that my behaviour there, with regard
‘ to the General, should be regulated by what I
‘ should find he had represented, or might represent
‘ concerning me. As I found that the General had
‘ not complained of me, and that no steps had been
‘ taken at the Council Office to prosecute the appeal,
‘ I, on my part, said nothing about him in England.

‘ The misfortune of my having been taken by
‘ the French, and sent a prisoner to Fort St. Nicho-
‘ las, are circumstances that your Lordship cannot
‘ be uninformed of. That misfortune was totally
‘ owing to the business of Mr. Soyris; and the
‘ story of the thousand Corsicans being handed to
‘ France, where it was supposed that I had been
‘ sent to England by the General on public busi-
‘ ness, and that I was bringing him back answers

‘ from Government, I was not released from that
‘ Fort until the Commandant, seeing the extreme
‘ danger that I was in as to my health and my
‘ mental faculties, allowed a Physician and two
‘ eminent Surgeons to hold a consultation about
‘ me; and he having sent the result of their deli-
‘ berations to Mons. de Sartine, the return of the
‘ post brought his orders for my being sent back to
‘ Aix on my parole.—Those orders came in a cri-
‘ tical time; for I could not have existed, a pri-
‘ soner, three days longer.

‘ On my return from France, I was shocked at
‘ the coolness with which the General received me.
‘ In a few days he used me very ill; and he has
‘ since treated me in a manner to lessen that conse-
‘ quence among the commercial people and the in-
‘ habitants, that ought to be kept up, to give re-
‘ spect to my office.

‘ But the only fact that I mean to point out to
‘ your Lordship, *in complaint against the General*, is,
‘ that a Captain of an English merchant ship, who
‘ is on his parole at Aix, having sent a letter for
‘ him, soliciting to be exchanged, to be forwarded
‘ to me by another Englishman that was in France,
‘ the latter person wrote to me; and I having sent
‘ the Captain’s letter, as well as my own from that
‘ Englishman to the General, His Excellency chose
‘ to send me a message in form, by Mr. M’Neille,
‘ agent for prisoners of war, desiring that I would
‘ not in future correspond with any of His Majes-
‘ ty’s enemies. As that message, put in circulation,

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‘ tends

‘ tends to convey an idea that I had held some im-
‘ proper correspondence, I feel it as a severe wound
‘ to my honor and reputation.

‘ I therefore, my Lord, entreat your Lordship, to
‘ lay me, with all humility, as a most loyal and zea-
‘ lous subject, at the feet of my Sovereign, humbly
‘ requesting His Majesty’s favor and justice, to
‘ make General Murray declare the reasons that he
‘ had for sending me that message; and that if he
‘ has any thing to accuse me of, *he may be compelled*
‘ *to do so, openly*; and that if His Majesty, in his
‘ Royal Wisdom, shall think that I have not merited
‘ such a message to be sent to me, that such repara-
‘ tion may be made to my injured honor as His
‘ Majesty shall think proper.

‘ Whispers, I know, though I cannot prove them,
‘ or the author of them, have been sent forth re-
‘ garding me, of such a tendency that would not
‘ have been made any where but here!

‘ Not only my health was so much impaired by
‘ my confinement, that my nerves are not yet quite
‘ recovered; but my fortune suffered considerably,
‘ from the long detention of myself and my son, at a
‘ great expence, in France. May I, my Lord, hum-
‘ bly solicit your Lordship to represent this to His
‘ Majesty; that as that misfortune and expence
‘ were brought on for his service, they may become
‘ objects of his Royal consideration: On this occa-
‘ sion I entreat to be allowed to observe, that when
‘ the General transmitted to your Lordship the ori-
‘ ginal memorials from the Jurats of Mahon, and
‘ the

‘ the commercial people of this island, of which the
‘ inclosed are copies*, requesting that the fees of
‘ my office might be fixed according to their ideas,
‘ and that a salary might be appointed for me; they
‘ never meant that the General, *who strongly repre-*
‘ *sented my merits*, and the necessity there was that
‘ something should be added to my income, should
‘ have proposed, as he did, *fees on Mediterranean*
‘ *passes for me, which could not be allowed of*, instead of
‘ a salary; but that they requested precisely, *that*
‘ *His Excellency would recommend to His Majesty to*
‘ *appoint a salary for me, payable out of the patrimony of*
‘ *this island.*

‘ I beg your Lordship’s pardon for my giving
‘ you this trouble; and I have the honor to be,
‘ &c.

(Signed) ‘ JAMES SUTHERLAND.’

‘ The Right Hon. Lord Viscount Weymouth.’

No. XII.

‘ MY LORD,

London, 14th March 1781.

‘ AS I am informed that General Murray, Go-
‘ vernor of Minorca, has transmitted a duplicate of
‘ a note which I wrote him from Leghorn, to your
‘ Lordship, that the same might be laid before the

* It is not thought necessary now to insert these copies.

‘ King, in complaint against me; I beg your Lord-
‘ ship’s permission to inclose you a copy of a narra-
‘ tive, of *some (for I have others that I would not*
‘ *choose to put in circulation)* of the private reasons
‘ that induced me to write that note, and also a paper
‘ of minutes concerning some cards that passed be-
‘ tween the General and me before; and a copy of a
‘ certificate regarding my indisposition, when I was
‘ a state prisoner in France. And I must humbly
‘ request, that your Lordship will be pleased to lay
‘ both those papers also before His Majesty, in my
‘ justification.

‘ I have stated in this narrative, that on the 17th
‘ of June 1779, I wrote to Lord Weymouth, com-
‘ plaining of the General; and soliciting His Ma-
‘ jesty’s favor and justice, not only to obtain redress,
‘ but that as the misfortune of my having been a
‘ state prisoner, the loss of my health, and the great
‘ diminution of my fortune, were brought on for
‘ His Majesty’s service, they might become objects of
‘ His Royal Consideration.

‘ That the letter, I understand, has not, as yet,
‘ been laid before the King; and therefore, I like-
‘ wise humbly request, that your Lordship will be
‘ pleased to lay it also before His Majesty.

‘ When General Murray sent to suspend me from
‘ my office of Judge of the Admiralty, I was only
‘ told, that he did it *for disobedience of his lawful com-*
‘ *mands, and for some other reasons which should be*
‘ *made known to His Majesty.*

‘ With regard to what *he calls disobedience of his*
‘ *lawful*

‘ *lawful commands*, I have explained myself fully
‘ (and I hope satisfactorily) to the Lords of the
‘ Admiralty; but as he must have transmitted *his*
‘ *other reasons* to your Lordship officially, may I,
‘ my Lord, in all humility, solicit the favor of your
‘ Lordship to let me have copies of *those other*
‘ *reasons*, and of every thing that he has wrote
‘ on the matter of my suspension; in order that an
‘ affectionate, well-disposed, and most loyal subject
‘ as I am, may not be aspersed *on any account what-*
‘ *soever*, without having an opportunity of vindicat-
‘ ing himself to His Most Gracious Sovereign.

‘ If it should be your Lordship’s pleasure, at any
‘ time, to desire to see me, I shall consider it as the
‘ highest honor, and answer any questions with
‘ candour; and I entreat that your Lordship will
‘ be assured, that, let General Murray have wrote
‘ whatever came uppermost, to answer his malevo-
‘ lence against me, *I neither have meddled with it, or*
‘ *do meddle with any person’s concerns but my own, and*
‘ *that I am possessed of proofs of this*: and the object of
‘ my resentment against him, is confined to the vin-
‘ dication of my honor and character, to have *a*
‘ *moderate* satisfaction for the injuries he has done me,
‘ and to the prevention of my being used ill in fu-
‘ ture.

‘ I have the honor to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Hon. the Earl of Hillsborough.’

No. XIII.

‘ John Lewis Lariviere deposeth upon the oath
‘ he has taken before Lieutenant George Don,
‘ Secretary to his Excellency General Murray,
‘ Governor of the island of Minorca, &c.
‘ &c.

‘ THAT Captain Johnston, late his Excellency’s
‘ Secretary, did several times question the depo-
‘ nent concerning a private affair contracted be-
‘ tween his Excellency and Joseph Bianchi, in which
‘ the deponent was concerned as interpreter, and
‘ passing some writings; which questions the depo-
‘ nent always evaded answering, until one day, Cap-
‘ tain Johnston seemingly taking it amiss, the depo-
‘ nent told him he could not let him know, his
‘ Excellency having commanded him to keep it a
‘ secret; on which Captain Johnston said, I shall
‘ know it from his Excellency some of these days.—
‘ On the same day, about eight o’clock in the even-
‘ ing, his Excellency sent for the deponent, order-
‘ ing him to tell Bianchi to get ready to sail on the
‘ first warning; and renewed his orders to him, not
‘ to let Captain Johnston know any thing of it: on
‘ which he told his Excellency, he might be assured
‘ he would not.—That Captain Johnston had
‘ oftentimes asked and endeavoured to get it out of
‘ him.—Next morning, Captain Johnston met the
‘ deponent on the parade, as he was going to the
‘ Office,

‘ Office, telling him that he did very wrong to let
‘ the General know that he had asked the deponent
‘ to tell him what the General was doing with Bianchi,
‘ as that might be the occasion of breeding misun-
‘ derstandings between them; upon which he told
‘ him, he never meant to hurt him; and he said, he
‘ would never more enquire of him about that affair.
‘ A few days after, but the deponent does not re-
‘ collect the day, any further than that he had wrote
‘ out a copy of His Excellency’s will, which was
‘ lying on a table in the great room, and where
‘ also the deponent brought some letters, and a
‘ copy of the contract to be inclosed in a letter to
‘ Lord Le Despenser, which contract was indorsed
‘ in such like words, “ A copy of a contract or
“ affreightment of the Genoesse Pink St. Lewis
“ Gonzaga, between his Excellency the Honorable
“ Lieutenant General Murray, and Joseph Bianchi.”

‘ That, on the same day, Captain Johnston came
‘ from the General’s into the Office, and told the
‘ deponent, the General makes a great secret of
‘ what every body may have seen to-day.—I have
‘ seen the contract, with an indorsement between
‘ his Excellency and Bianchi, lying upon the table;
‘ and all those that signed as witnesses to the will
‘ might see it as well as myself.

‘ The above having been read to Mr. John Lewis
‘ Lariviere, he, as aforesaid, has taken his oath to
‘ the truth thereof, and signed it with his own hand,

‘ in

‘ in the Secretary’s office at Mahon, 12th September 1779.

‘ J. L. LARIVIERE.’

‘ In presence of GEO. DON, Secretary.’

No. XIV.

S I R, Grecian Coffee-house, Temple, 20th April 1785.

‘ AS I mean to do nothing but what is right, I
‘ trust to this declaration to plead my excuse, if I
‘ am wrong in writing to you once more.

‘ General Murray, I understand, is to apply to
‘ Parliament again to-day.—I wish to be heard by
‘ counsel at the bar of the House, before his Petition
‘ goes to a committee; and not to be taken by sur-
‘ prise, *after having sent Lord Sydney a Memorial to*
‘ *be laid before the King.*

‘ So far as I am entitled to apply to you, Sir, as
‘ the Minister of this country, I presume to do so,
‘ to urge that wish.

‘ Dishonor was brought on the reputation of His
‘ Majesty’s Vice Admiralty Court, by my suspension.
‘ —The representations of the Imperial Ambassador,
‘ and others, that I believe are in the Office of
‘ the Secretary of State for the Foreign Department,
‘ may prove this.

‘ General Murray, *partaking of the auctioneers fees*
‘ *on the sale of prizes*, had an interest in removing a
‘ man who never had *one* appeal made from any of
‘ his sentences; and introducing another of a dif-
‘ ferent description, whom Government would have
‘ superseded, had it not been intended that I should
‘ have been restored to my office.

‘ In a printed copy of a Petition that I formerly
‘ sent you, Sir, I pointed out a circumstance de-
‘ monstrative of the General’s having no fair claim
‘ on Government, had he even been justified in the
‘ suspension of me.

‘ I have the honor to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Hon. William Pitt.’

F I N I S.

8 JU 69

A melancholy event took place yesterday, near to the Exhibition of the Siege of Gibraltar, in the Green Park. As HIS MAJESTY passed in his way to the Palace, a decent dressed man, who appeared to be about Sixty years old, shot himself through the heart, and died in a few minutes. He had a Letter in his hand directed to the *Coroner*, but addressed to a GREAT PERSONAGE, which Letter, for certain reasons, we cannot at present lay before the Public, but a correct copy of which, the Readers of the ORACLE may expect, as soon as we can with decency indulge them.

The name of the unfortunate man was JAMES SUTHERLAND, some time since Judge of the Admiralty Court at Minorca, who upon a misunderstanding with the then Governor, was suspended, and upon a Challenge which he sent to the General, was afterwards dismissed from his situation.

A prosecution was afterwards commenced by Mr. SUTHERLAND against the Governor, and damages to the amount of 5000*l.* were awarded, but which, by a vote of Parliament, were returned to the General.

Upon searching his pockets, *Two-pence* in half-pence, a purse with a sixpence in it, a smelling bottle, a powder-horn with a little powder in it, a snuff-box, with the letters J. S. in a cypher on it, and a white pocket handkerchief, were their only contents.

Mr. *Willis*, the Coroner for the Palace Court, has summoned a Jury for this day, in order to take an Inquest on the body of the unfortunate Mr. SUTHERLAND. His body was taken to St. Martin's, Bone-House, till the Coroner's Jury have given their verdict.

It appeared by the letter, that this shocking event was by no means the consequence of a sudden impulse of insanity, but from what he, in his letter, calls cool and deliberate *reasoning*. A too high sense of honour seems to have possessed him; and he sacrificed *his life*, in order to convince the *living*, that *life* to him was a burden, while his *honour* was suspected.

It is said that Mr. SUTHERLAND has left a *Son*, who is at this time a Captain in the Army.

THE ORACLE of yesterday presented with perfect accuracy the attendant circumstances of the sacrifice of that Gentleman to mistaken principle and irregular imagination.

We, in our tender attention also to the *deceased*, preserved the becoming respect to the HIGH PERSONAGE so particularly alluded to by the unhappy Suicide. Our Contemporaries, with an unthinking avidity, precipitated before the public some passages hastily snatched from a glance at the letter addressed by Mr. SUTHERLAND to the KING. Such a procedure cannot be sufficiently reprobated; it was unfeeling and indecent; we therefore waited until we could deliver *without impropriety* a literal Copy of the whole. Upon a comparison, it will be seen how miserably mutilated have been the transcripts thus prematurely procured. The LETTER, correct, therefore follows.

Upon that Letter a few reflections naturally arise.

Whoever reads this production with the slightest penetration, will not fail to discover, that it is utterly incoherent. It is dissected by rambling parentheses—it is the work of a man who has forgotten the arrangement of his ideas.—He began a sentence, and broke in upon its integrity with some anecdote, violent and totally from the purpose. Let any man read the second paragraph of the Letter, and entertain if he can the slightest doubt of his insanity. Of the verdict of the Coroner's Jury, every man of sense will see the propriety.

Upon a GREAT PERSONAGE, whose benevolence is perhaps the most prominent of his many moral excellencies, not a particle of blame can possibly lye. General MURRAY is an Officer, whom not to praise is not to know—He is also on the score of feeling little to be suspected of inhumanity.—The softest sympathy will seek out the mode of alleviating the afflictions of a Family left in circumstances alas! much too mean, and the character of the rash and unhappy Man be judged of with candour, when it is considered that dereliction and distress are not far apart, and that the finest forms are the easiest broken.

TO THE KING.

“ SIRE,

“ IN the moment that my heart's blood is leaving it, I regret for your sake as well as for my family, that you allowed yourself to be imposed upon regarding me, and have persisted in retaining such prejudices against me, that the most spirited and dutiful *Appeals* in the first instance to your justice and humanity, and afterwards the most humiliating *Supplications* to the same, would not operate upon either; and that although Allegiance and Protection are constitutionally reciprocal, and that nothing has ever shaken the former of those duties in me, the latter has been withheld by you.

“ The idea of a stake being driven through my body, has not terror to make me wish that the act which I now perform shall be considered in any other light, but that of *deliberate reasoning*. I had long determined that it should take place in the manner, and on the spot that I now fall (bleeding, cupping, and castor oil, have kept me alive beyond my expectation), whenever my hard case should be published, to shew that *insanity* had deprived me of every resource but death.

“ Instead of going abroad (of doing which I had not the means) as I had insinuated, I never internally meant any thing but to spill my blood; to vouch, that I had not merited any degradation; and that my conscience told me that I was entitled to honour, favour, and reward. Though I forgive General MURRAY, and every other Person that has done me injuries, I feel even in this instant anxious to remove wrong impressions, and to set your Majesty right with regard to him and me. I have therefore subjoined an Extract of part of a Letter, which will shew what *really* was the immediate cause of his having removed me from my Office. This Letter I had occasion to address in some of the Public Prints to his Relations, who had in an ungenerous manner introduced his *infamous* Petition to the House of Commons:—that House of Commons which refused different Petitions from me; and evidence the truth, that although “the stern commands of prerogative have rejected the milder voice of influence, yet *that influence* is in its effect equally overbearing and destructive.

“ And let me recommend to you, SIRE, to order all the Letters that I wrote to Mr. STEPHENS, as Secretary of the Admiralty, previous to, and upon my suspension, to be collected for your inspection. You will see a series of irregularity and abuse of authority on the part of the General, (that would have excited the resentment of the Admiralty, had not the times been such, that there was a fear of displeasing him, and you had expressed your determination that no one should be in any Office in Minorca, that *he* should not like to have there—a fear so strong in every department, that even a Secretary of State was obliged to pocket the affront of the General’s having sent a Letter to your Majesty, under cover to the Post-Master-General, instead of conveying it through that Secretary;) and of official patience and moderation upon mine.

“ You will find that I had determined to sacrifice every thing but Justice and my Honour to keep him quiet, if possible; that I obeyed an *illegal* order of his, to put the powers granted to privateers against two States with which we were at war, into one Commission, instead of issuing two, whereby I lost some hundreds of pounds.

“ Let me also recommend to you, that you will order for your perusal, a Narrative which I had addressed to Lord HILLSBOROUGH, when Secretary of State; containing *some* of the *private* reasons that led me to write the General a note from Leghorn, which he so indelicately sent to his Lordship to *inflame* your MAJESTY; although at the time of writing it, he was possessed of a Pass from the KING of FRANCE for travelling through his Country; and had given out before I left Minorca to go to Leghorn, that he meant to take his passage in the next Cartel going to Marseilles; so that he could not want the means of taking the only measure that could have occurred to a man of *delicate* honour, instead of being rivetted to the Island by *that very note*. I had other reasons for having written it, which I did not communicate to Lord HILLSBOROUGH—*those* I have left under a sealed cover, directed to your MAJESTY, to be sent to the Secretary of State for the Home Department; and also a Copy of a Letter which I wrote to the General on the 24th of December last.

"I do not mean that either of them shall be put in circulation; although I will leave a Copy of each with one of my Nephews in confidence.

"FAREWELL SIRE,

"YOUR MAJESTY'S Loyal Subject,

"JAMES SUTHERLAND."

17th Aug. 1791.

Copied the 13th, although dated the 17th of August, being the day on which I mean to shoot myself in the Green Park, as the King passes to his Levee.

Addressed,

To the CORONER who shall hold an Inquest on
JAMES SUTHERLAND.

CORONER'S VERDICT.

Yesterday, at six o'clock, an inquest was taken at the house of Mr. *Huggins*, the Barn, in St. Martin's Lane, on the Body of the unfortunate Mr. JAMES SUTHERLAND, when, after examining several Witnesses, the JURY, at half past nine o'clock, brought in a verdict of *Lunacy*.

The JURY were in a great measure determined upon their Verdict, by the testimony of Mr. GEORGE WARD, an eminent Merchant, and Mr. NICHOLAS HARRISON, a Student of the Temple, both of whom had been several years intimately acquainted with the deceased, and proved to the satisfaction of the Jury, that Mr. SUTHERLAND had been for many years, at times, in a state of insanity.

In the absence of Mr. WILLIS, who is in the country, Mr. DRAKE, the Vestry Clerk of St. Margaret's, officiated as Coroner.

SKETCH OF HIS LIFE.

While the unfortunate Gentleman, whose death has been thus recorded, is the subject of conversation, it may not be uninteresting to the world to learn, what it is but justice to his memory to publish, the opinions of him which for a series of years have been entertained by all those who had an opportunity of forming any with accuracy.

Spirit and high mindedness have ever been his characteristics. A life marked by activity and generous firmness, would have sufficiently proved this, without the sad conviction of it which the manner of his death so forcibly impresses. His station had been honourable, for in him had been reposed one of the highest trusts which a man can receive from his fellow creatures, the power of deciding upon the rights of property. As a

Judge of the Admiralty Court at Gibraltar, he obtained and preserved a character highly distinguished for integrity and faithfulness, for clearness and precision: few of his decrees were appealed from, and those few were always confirmed.

Upon the cession of Minorca, at the Peace of Paris, with an honest ambition to promote his fair fortune, he embraced the same situation in that Island. But however disappointed in his hope of reaping superior advantage, the character

he had raised, accompanied him thither, and though the accumulation of misfortune at the end of a life which had once known ease and happiness, depressed him into such glooms as deprived him of his reason, yet the respect of those who knew him, attended him, after those things had been lost which in general are necessary to command it.

He was a man whose heart was largely extended; his benevolence led him to consider Mankind as his Friends; and for his Friends were never wanting, his abilities, his good offices, nor (while he had one) his fortune. Many who are gone before him to their great account; many who survive, and have past him in the race for fortune and honour, could afford strong testimony of this. In Garrisons of such importance as those in which he served, a large portion of the Army are settled in succession; and not a few among the Military as well as the Navy, will willingly bear witness, that his house, his table, and his purse, were open to all those who deserved them. Probably had his virtues been of a kind more prudent and less shining, he would not have been driven to the only act of his life which his Friends will be unhappy in remembering.

But Poverty alone was not the only cause of his desperation: the bravery of his heart, the spirit of his mind, had formed him to be peculiarly and even fiercely jealous, when his claims to the characters of a patriotic Citizen and loyal subject came to be attacked; and it may be said, that his sensibility never recovered the wound that had so been given to it. By whom, and for what purpose it was inflicted, it would now be as needless to enquire as to discover; it may, however, be truly said, that his arbitrary removal from his office was the root of all his misfortunes. What a British Jury thought of his case, is upon record; and he has been one among several instruments of proving, that the language of a Military Governor, and the strong arm of Power, can only be exerted with impunity in other climes than these.

Upon his first trial with Gen. MURRAY they gave him 3,000*l.* damages; upon the second, they gave him 5,000*l.* As his mind however was formed to Honour, it was not money that could restore him to happiness; he still languished under the idea

that he continued to be misrepresented to those whom he had not offended. The last effusions of mind shew what was uppermost in it; nor have they perhaps been in one point unavailing. He who could be so anxious for fixing the belief of his attachment to one little community, when he was going to a state where Nations and even Worlds are lost in the Infinitude of Space and of Eternity, could never have been other than loyal and dutiful.— In the mass of mankind, his anxiety for his own fame will not perhaps be much regarded; but let us not forget, that it is this individual anxiety which is the great spur to the general practice of honour, and that men will cease to be virtuous when they cease to be studious of character.

Of his particular claims upon Government, it may not be improper *decently* to speak. He had been charged with dispatches of high consequence from Lord Weymouth to the Governor of Minorca: they were of magnitude enough to employ the strictest attention of the French. To avoid discovery, he proceeded by a circuitous rout to his destination; and in Italy, for his better concealment, he hired a Savoyard vessel to convey him. But he was so carefully watched, that he was immediately arrested in his voyage, and the Enemy thought his Mission of sufficient importance to justify the violation of an Amicable Flag. He destroyed his dispatches, but was forced to pay the price of the Vessel, which he in fact had been the means of losing. He remained many months in the horrors of a French Prison; and to this day his expences from his departure from England to the end of his Captivity, have never been reimbursed. His claims have been allowed, and the justice of the Ministry would certainly have relieved him, but the loss of his Place, and the failures he had experienced in occupations to which he was wholly a stranger, and which he had begun when sunk into the vale of years, had reduced him to what had ever been unknown to him, and what was in no wise congenial with his mind—to *importunity*, which was only urgent because it was necessary. Thus depreciated with his SOVEREIGN, and prest by *poverty*, his spirit began to droop; his intellects became deranged, and he perished in a manner, which, however it may be blameable, must always be affecting.

Extract of a Letter which he wrote to Mr. PITT, when his Petition was thrown out of Parliament.

“ From the 21st of December last, the day on which my Petition was presented, (but not accepted) to Parliament, I have existed by selling every little thing of value I had, and now I have nothing left to sell. Let me then, Sir, implore you, by every thing you hold dear, to preserve from the effects of despair, a person who, since

he is driven to egotize, holds himself up as a man of worth and honour, and who merits nothing from his King and Country so much as favour and reward; and who adds, that were it not that he is a *father*, would rather perish than be importunate."

Mr. SUTHERLAND has published a long statement of his case. It concludes with this remarkable passage:—

"The machine seems to be worn out by anxiety, vexation, and disappointment. The Tree *must fall!*—*I have not a wish to prop it one hour* AFTER THE APPEARANCE OF THIS PUBLICATION. But I have a most ardent one, that in the next Session of Parliament there may be a virtuous majority in the House of Commons, who shall think that I have fair claims on Government; and that I have a right to transfer them, as hereby I do—to my Daughters, MARY, and LOUISA SUTHERLAND."

